

# EXHIBIT B

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 J. MARK LANE, et al.,  
5 Plaintiffs,  
6 Civil Action No:  
7 - against - 7:22-cv-10989-KMK

8 MIRIAME E. ROCAH, in her capacity as District  
9 Attorney for the County of Westchester, New York  
10 and STEVEN G. JAMES, in his official capacity as  
11 Acting Superintendent of the New York State Police,  
12 Defendants.

13 -----X  
14 28 Liberty Street  
15 New York, New York

16 May 1, 2024  
17 9:57 a.m.

18 DEPOSITION OF JOHN MARK LANE, s/h/a J. MARK  
19 LANE, a Plaintiff, pursuant to Notice, taken at the  
20 above place, date and time, before MARIA ACOCELLA,  
21 a Notary Public within and for the State of  
22 New York.  
23  
24  
25

A P P E A R A N C E S:

FLUET

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BY: YUVAL RUBINSTEIN, ESQ.

SUZANNA PUBLICKER METHAM, ESQ.

JAMES THOMPSON, ESQ.

1 J. Lane

2 J O H N M A R K L A N E, a Plaintiff  
3 herein, having been first duly sworn by a  
4 Notary Public within and for the State of  
5 New York, was examined and testified as  
6 follows:

7 EXAMINATION BY

8 MR. RUBINSTEIN:

9 Q. Will you state your name and  
10 address for the record, please?

11 A. John Mark Lane, [REDACTED]  
12 Larchmont, New York [REDACTED]

13 Q. Good morning, Mr. Lane.

14 A. Good morning.

15 Q. My name is Yuval Rubinstein. I  
16 am an attorney in the New York State Office  
17 of the Attorney General, and I represent the  
18 Defendant, Steven G. James, Acting  
19 Superintendent of the New York State Police  
20 in this action.

21 Mr. Lane, you have just been  
22 placed under oath, just as you would in a  
23 court of law, and it requires you to provide  
24 truthful testimony as you would in a court of  
25 law, understood?

1 J. Lane

2 A. Yes.

3 Q. Mr. Lane, have you been deposed  
4 before?

5 A. I was deposed once in one of  
6 those will contests, because I was a witness  
7 to a will. I think the deposition took about  
8 ten minutes; and that is the only time.

9 Q. And approximately the year?

10 A. That would have been in the '90s.

11 Q. And again, if you recall, the  
12 jurisdiction, the court?

13 A. It was in New York City. That is  
14 all I remember.

15 Q. Mr. Lane, is there any reason  
16 you -- I am sorry, my apologies.

17 I know you have been deposed once  
18 before. I will just go through a couple of  
19 quick instructions.

20 A. Sure.

21 Q. First of all I would ask you to  
22 audibleize your answers. The court reporter  
23 has difficulty picking up ums and ahs and  
24 nods of the head.

25 Certainly I will allow you to

1 J. Lane

2 finish your answers. I would just ask you to  
3 allow me to finish my questions. That way,  
4 we don't speak over each other, which makes  
5 it difficult for the court reporter to pick  
6 up testimony.

7 If you need to take a break at  
8 any time, that is fine. I would just ask you  
9 to finish your answer, and we can certainly  
10 take a break as needed.

11 Mr. Lane, is there any reason you  
12 can think of as to why you cannot truthfully  
13 testify this morning?

14 A. No.

15 Q. Other than your attorney,  
16 Mr. Rotsko, have you discussed your testimony  
17 this morning with anyone else?

18 A. No.

19 Q. Did you review any documents in  
20 preparation for this morning's deposition?

21 A. No, I did not.

22 Q. Just can you provide once again  
23 your full name for the record?

24 A. John Mark Lane.

25 Q. And your date of birth?

1 J. Lane

2 A. [REDACTED]

3 Q. And I just want to go briefly  
4 through your educational history.

5 What is your highest level of  
6 education?

7 A. Juris doctorate.

8 Q. And from which institution?

9 A. New York University School of  
10 Law.

11 Q. What year did you obtain that  
12 degree?

13 A. 1990.

14 Q. And do you have a college degree?

15 A. Yes.

16 Q. And from what institution?

17 A. University of North Carolina.

18 Q. And was it a bachelor's degree?

19 A. Bachelor's degree; majored in  
20 history.

21 Q. What year did you obtain your  
22 bachelor's degree in history?

23 A. I think it was 1982.

24 Q. Do you have a high school  
25 diploma?

1 J. Lane

2 A. I dropped out of high school.

3 Q. And did you obtain a GED?

4 A. I did, yes.

5 Q. And what year did you obtain your  
6 GED?

7 A. '76, maybe.

8 Q. And, if you recall, do you  
9 remember the name of the institution or  
10 licensing body that provided you the -- that  
11 issued the GED?

12 A. I don't know. It was a long time  
13 ago.

14 Q. Understood.

15 Any other educational degree or  
16 certificates, Mr. Lane, that you have  
17 achieved or received?

18 A. Certificates, I completed some  
19 courses online through Hillsdale College. I  
20 guess they send you certificates, if that  
21 counts.

22 Q. And do you recall how many  
23 classes you took, how many online courses?

24 A. I think I have three.

25 Q. And do you recall what kind of



1 J. Lane

2 courses these were?

3 A. One was a theology course, one  
4 was a course on C.S. Lewis. I can't remember  
5 what the other one was.

6 Q. Okay. And you received a -- did  
7 you receive a certificate?

8 A. I guess that is what you call it,  
9 some sort of thing that you can frame and  
10 hang on the wall.

11 Q. And, if you recall, do you recall  
12 the year or years of these online courses?

13 A. Within the last two years.

14 Q. And where is Hillsdale College  
15 located?

16 A. It is in Michigan.

17 Q. Did you ever travel to Michigan  
18 for any of these classes?

19 A. No. They were all done online.

20 Q. Besides these three courses at  
21 Hillsdale College, can you think of any other  
22 educational certificates or courses that you  
23 have taken?

24 A. Well, I just finished two  
25 semesters online through the University of

1 J. Lane

2 the Cumberlands, two semester course on the  
3 old testament.

4 Q. And where is the University of  
5 Cumberlands located?

6 A. It is in Kentucky.

7 Q. And did you receive a certificate  
8 of completion, or something similar?

9 A. No. It is a master's degree  
10 program, and I have a ways to go yet.

11 Q. So, Mr. Lane, you are currently  
12 enrolled in a master's degree program?

13 A. I am, yes.

14 Q. What would be the master's degree  
15 in?

16 A. Theology.

17 Q. Do you have an anticipated date  
18 when you expect to complete this masters?

19 A. No. I am taking my time.

20 Q. Understood.

21 Besides Hillsdale College and the  
22 University of the Cumberlands, any other  
23 educational courses or classes that you  
24 completed that you can recall?

25 A. My annual CLE. That is about it.

1 J. Lane

2 Q. Sure. And are you currently  
3 registered -- excuse me. Are you currently  
4 licensed to practice in the State of  
5 New York?

6 A. I am, yes.

7 Q. Are you licensed to practice in  
8 any other state besides New York?

9 A. Well, no, not in a State court.

10 Q. Are you licensed in any federal  
11 courts?

12 A. Yes.

13 Q. Which federal courts?

14 A. Southern District of New York,  
15 Eastern District of New York, Northern  
16 District of New York, District of  
17 Connecticut, Court of Appeals for the Second  
18 Circuit.

19 Q. Thank you. So I guess that is a  
20 good segue to asking briefly about your  
21 employment history.

22 Mr. Lane, are you currently  
23 employed?

24 A. I am self-employed.

25 Q. Self-employed, okay.

1 J. Lane

2 So do you have a solo legal  
3 practice?

4 A. I do, yes.

5 Q. And how long have you had a solo  
6 legal practice?

7 A. Since January 1, 2024.

8 Q. Oh, so recent.

9 Where is your solo practice  
10 located?

11 A. Larchmont, New York.

12 Q. Does your solo practice focus on  
13 any particular area of law?

14 A. Whatever people will pay me to  
15 do.

16 Q. Understood.

17 And prior to January 1, 2024,  
18 were you employed?

19 A. Yes. I was with a law firm.

20 Q. What was the name of the law  
21 firm?

22 A. Most recently, Lane Crowell,  
23 C-R-O-W-E-L-L, LLP.

24 Q. And this is probably an obvious  
25 question:

1 J. Lane

2 Were you the named partner in  
3 this firm?

4 A. I was a named partner.

5 Q. And where is or was Lane Crowell  
6 located?

7 A. For most of the history of the  
8 firm, it was in White Plains, New York.

9 Q. And approximately what dates,  
10 what years, were you a partner at Lane  
11 Crowell?

12 A. Since 2003, although it had  
13 different names at different times.

14 Q. Sure. And did Lane Crowell, did  
15 this firm that went by different names, did  
16 you focus on any particular area of law?

17 A. Well, each attorney in the firm  
18 had their own focus, I guess you would say.

19 Q. And, Mr. Lane, did you have a  
20 particular focus in terms of area of law?

21 A. Well, I generally have been a  
22 litigation attorney.

23 Q. Did you focus on any particular  
24 areas of law in terms of litigation?

25 A. Intellectual property, a lot of

1 J. Lane

2 it. Employment law. I have long somewhat  
3 specialized in racketeering in the RICO  
4 statute, securities litigation, derivative  
5 actions, shareholder disputes.

6 Q. And when you were employed at  
7 Lane Crowell, did you litigate any  
8 constitutional cases?

9 A. I am sure there were  
10 constitutional issues in cases that I  
11 litigated.

12 Q. Were there any recurring  
13 constitutional issues that you can recall?

14 A. You know, it has been a lot of  
15 years.

16 No, there has never been a  
17 constitutional area that I specialized in.

18 Q. And did Lane Crowell dissolve?  
19 Did the law firm dissolve at the end of 2023?

20 A. Essentially, yes.

21 I was down -- they were down to  
22 three of us, and the other two partners  
23 basically retired.

24 Q. And just for the record, what are  
25 those partners' names?

1 J. Lane

2 A. Susan Larrabee, L-A-R-R-A-B-E-E,  
3 and Thomas Crowell.

4 Q. Thank you.

5 So prior to 2003, were you  
6 employed?

7 A. Yes.

8 Q. And what was the name of your  
9 employer prior to 2003?

10 A. Shapiro & Lane, LLP.

11 Q. And were you one of the named  
12 partners in Shapiro & Lane?

13 A. I was.

14 Q. Approximately, if you can recall,  
15 the years that you were a partner at Shapiro  
16 & Lane?

17 A. I think we formed the firm in  
18 1996.

19 Q. And when you say "we," were there  
20 more than one partner that you worked with?

21 A. I had one partner.

22 Q. Mr. Shapiro, or Ms. Shapiro?

23 A. Ms. Shapiro, yes.

24 Q. What is her full name?

25 A. Randy.

1 J. Lane

2 Q. And where was Shapiro & Lane  
3 located?

4 A. Well, we were in Greenwich,  
5 Connecticut, briefly, and then in Mamaroneck,  
6 New York.

7 Q. Did you have any associates at  
8 Shapiro & Lane?

9 A. Over the years, we had a few  
10 people, yeah.

11 Q. And at Shapiro & Lane, were you  
12 also focused on litigation, Mr. Lane?

13 A. Pretty much the same thing.

14 Q. So same type of litigation as at  
15 Lane Crowell, correct?

16 A. Yes.

17 Q. And did Shapiro & Lane dissolve  
18 in 2003?

19 A. Yes.

20 Q. Was Ms. Shapiro still working as  
21 an attorney after 2003?

22 A. I don't know.

23 She moved to Florida.

24 Q. Understood.

25 Prior to 1996, were you employed,



1 J. Lane

2 Mr. Lane?

3 A. Yes.

4 Q. And what was the name of your  
5 employer?

6 A. I was at Skadden Arps for six  
7 years, I guess.

8 Q. In which location were you  
9 practicing at Skadden Arps?

10 A. Manhattan.

11 Q. And were you an associate when  
12 you were at Skadden Arps?

13 A. Yes.

14 Q. Were you assigned to any  
15 particular practice area?

16 A. General litigation, I think they  
17 called it.

18 Q. And I know it has been many  
19 years.

20 Do you recall focusing on general  
21 litigation on specific areas of law?

22 A. A lot of securities litigation.

23 Q. Anything else besides securities  
24 that you focused on?

25 A. Yes. I move around a bit.

1 J. Lane

2 I worked in the antitrust group  
3 for a while. I did labor department,  
4 intellectual property, products liability.

5 Q. And why did you leave Skadden  
6 Arps, I guess that would be in 1996?

7 A. Because I billed 4,000 hours that  
8 year.

9 Q. That answers my question.  
10 And was Skadden Arps your first  
11 legal position --

12 A. Yes.

13 Q. -- out of law school?

14 A. Well, yes.

15 I was an intern during law  
16 school.

17 Q. And briefly, between the time of  
18 your college graduation in 1982 and your  
19 entry into law school, were you employed  
20 during that five-year period or so?

21 A. I spent a lot of that time living  
22 on a sailboat.

23 Q. And where was the sailboat  
24 located -- strike that.

25 Where did you sail to generally

1 J. Lane

2 speaking?

3 A. The boat was based on Martha's  
4 Vineyard.

5 Q. And were you employed in any  
6 position you can recall during that time  
7 period?

8 A. I worked as a carpenter here and  
9 there.

10 Q. Thank you.

11 Mr. Lane have you served in the  
12 military before?

13 A. No.

14 Q. Have you ever been arrested,  
15 Mr. Lane?

16 MR. ROTSKO: Objection.

17 Arrests are irrelevant to the  
18 legal issues in dispute in this matter  
19 and immaterial to the outcome.

20 You may answer, though.

21 A. Yes.

22 Q. You have been arrested?

23 A. Yes.

24 Q. What date?

25 A. I don't remember the date. It

1 J. Lane

2 was mid 1970s.

3 Q. And what was the basis for the  
4 arrest, if you recall?

5 A. The officer described it as --  
6 and you will have a hard time with this one,  
7 hitchhiking on the interstate.

8 Now, if you know what I just  
9 said --

10 Q. As long as we get it on the  
11 transcript, I think that is the important  
12 thing.

13 What was your understanding,  
14 Mr. Lane, of what the officer said?

15 A. I had to ask him several times.

16 Q. Sure.

17 A. It turned out that charge was  
18 hitchhiking on the interstate.

19 Q. And which interstate was this, if  
20 you recall?

21 A. Interstate 40.

22 Q. Do you recall which state?

23 A. Tennessee.

24 Q. Understood.

25 Were you placed under arrest?

1 J. Lane

2 A. Yeah. He put us in the car took  
3 us downtown.

4 Q. Do you recall the town or city in  
5 Tennessee?

6 A. I do.

7 Q. And what was that?

8 A. Carthage.

9 Q. And were you placed in the  
10 prison, or the jail, excuse me?

11 A. He took us into this building.

12 It was basically an old house.  
13 There were some little old ladies watching  
14 the soaps on the black and white TV.

15 And then he discovered that my  
16 friend that I was traveling with was only 17,  
17 and he took me aside and explained that that  
18 involved a lot of unpleasant paperwork that  
19 he didn't want to have to do.

20 So if it was okay with me, he  
21 would just fine me \$18, cash only, and my  
22 buddy could split it with me, and we could  
23 leave.

24 Q. And is that what, in fact,  
25 occurred?

1 J. Lane

2 A. It is.

3 Q. So in the end, it was correct, it  
4 was just an \$18 fine?

5 A. Correct.

6 Q. Have you been arrested on any  
7 other occasion, Mr. Lane?

8 A. Nope.

9 Q. Was that arrest expunged?

10 A. I have no idea.  
11 I suspect there is no record of  
12 it.

13 Q. Understood.  
14 Have you ever been investigated  
15 by law enforcement, Mr. Lane?

16 A. Not to my knowledge.

17 Q. Have you ever had the police  
18 called to a residence of yours?

19 A. By myself, yes.

20 Q. You have called the police?

21 A. Yes.

22 Q. Was it on more than one occasion?

23 A. I can only think of one, offhand.

24 Q. Approximately what year was that,  
25 if you recall?

1 J. Lane

2 A. It was last year.

3 Q. And which police department did  
4 you call?

5 A. Town of Mamaroneck.

6 Q. And why did you decide to call  
7 the police in the town of Mamaroneck?

8 A. Because we had been burglarized.

9 Q. And your residence was  
10 burglarized, Mr. Lane?

11 A. Yes.

12 Q. And were you interviewed by a  
13 police officer?

14 A. Several.

15 Q. Did you fill out any paperwork,  
16 any report?

17 A. I don't think so.

18 Q. Do you know whether the burglar  
19 was ever apprehended by the replies?

20 A. I don't believe they were.

21 Q. Any other occasion you can think  
22 of where you either called the police or  
23 someone else called the police?

24 A. Not that I think of.

25 Q. Have you ever been subject to a

1 J. Lane

2 restraining order?

3 A. No.

4 Q. Do you drink alcohol?

5 A. Yes.

6 Q. Approximately how often do you  
7 drink alcohol?

8 A. Three, four times a week.

9 Q. Do you use any illegal drugs?

10 A. No.

11 Q. Have you ever been treated for  
12 mental illness?

13 A. No.

14 Q. Have you ever had your driver's  
15 license suspended?

16 A. No.

17 MR. ROTSKO: Objection.

18 THE WITNESS: Sorry.

19 MR. ROTSKO: It is all right. It  
20 is irrelevant to the matters in the  
21 claims at issue in this case,  
22 immaterial.

23 Q. Have you ever had any other  
24 license suspended or revoked?

25 MR. ROTSKO: Same objection.



1 J. Lane

2 A. No.

3 Q. Mr. Lane, have you ever applied  
4 for a federal firearms license?

5 A. I have a -- yes.

6 Q. Can you briefly describe what a  
7 federal firearms license is?

8 A. It is a license issued by the  
9 federal government that permits you to trade  
10 in firearms or guns.

11 Q. And why did you decide to apply  
12 for a federal firearms license?

13 A. At the time, I was interested in  
14 historical military rifles, and it would  
15 allow me to buy them without having to pay a  
16 fee and go through a regular check.

17 Q. Were there any type of historical  
18 military rifles in particular that you were  
19 interested in?

20 MR. ROTSKO: Objection. Judge  
21 Karras has also ruled the licenses are  
22 irrelevant to the plaintiff's standing  
23 in this case.

24 You may answer.

25 A. Well, I mean, no, not any

1 J. Lane

2 particular kind.

3 Q. And what year did you apply for  
4 this license, if you recall?

5 A. I think I have had it for about  
6 ten years or so. I don't remember exactly.

7 Q. Was there an application process?

8 A. Oh, yes.

9 Q. Can you briefly describe the  
10 application process?

11 MR. ROTSKO: Objection, same as  
12 the last objection.

13 Q. Please.

14 A. Fill out some forms and send in a  
15 check. That is all I can remember.

16 Q. Were you interviewed as part of  
17 the application process?

18 A. I don't think so. I can't  
19 remember, but I don't think so.

20 Q. Were you issued this license  
21 approximately ten years ago, if you recall?

22 A. I think so, yes.

23 I just had to renew it last year  
24 or the year before. I think you have to  
25 renew it every five years or so.

1 J. Lane

2 I don't remember the year that I  
3 first got it.

4 Q. Have you purchased any firearms  
5 within the -- strike that.

6 Have you purchased any rifles in  
7 the past three years?

8 MR. ROTSKO: Objection.

9 Irrelevant to the matters at issue in  
10 the case.

11 A. No.

12 Q. How about, have you purchased any  
13 firearms within the past ten years?

14 MR. ROTSKO: Objection. Just for  
15 clarity's sake, are we referring to  
16 firearms as defined under the penal law?

17 MR. RUBINSTEIN: I mean, that was  
18 the first question.

19 And the second question is  
20 broader.

21 I think just beyond the New York  
22 penal law, just any firearms.

23 MR. ROTSKO: Just any guns, for  
24 clarification?

25 MR. RUBINSTEIN: Yes. More

1 J. Lane

2 broadly, beyond -- I don't want to get  
3 too bogged down in the legal  
4 definitions.

5 Q. Broadly, any gun have you  
6 purchased within the past ten years, since  
7 you obtained this license?

8 A. I have, yes.

9 Q. And call it a gun.  
10 What gun have you purchased?

11 A. Several.

12 Q. Approximately how many guns have  
13 you purchased?

14 MR. ROTSKO: Objection. The  
15 history -- plaintiff's history of  
16 firearms ownership is irrelevant to the  
17 standing in this action.

18 Q. You can answer.

19 A. I don't remember all of them.  
20 There is 12 or 15, at least.

21 Q. And do you still possess these 12  
22 to 15 guns?

23 A. I do.

24 Q. Where are they stored?

25 A. They are stored in a safe in my

1 J. Lane

2 residence.

3 Q. And can you briefly describe what  
4 types of guns these are, these 12 to 15 guns?

5 A. I guess they are probably about  
6 half shotguns and half rifles, roughly.

7 Q. Do you have a license -- strike  
8 that.

9 Approximately how many shotguns  
10 do you have?

11 A. I don't know. Six or eight,  
12 maybe.

13 Q. And is there a specific model  
14 that you purchased or make?

15 A. They are all different models.

16 Q. Can you briefly describe the  
17 models, just for the shotguns?

18 A. I have, I think it is a Marlin 12  
19 gauge pump. I have a Winchester model 12,  
20 which is also a 12 gauge pump that is a  
21 vintage gun. I have two 16 gauge over and  
22 under from the 1940s. I think those are  
23 Marlin's also. I have 4-10 brick action  
24 single shot; I can't remember the brand. I  
25 have a John Daily trap gun. It is a single

1 J. Lane

2 single shot brick action 12 gauge. I think  
3 there are probably a couple more, but I can't  
4 remember.

5 Q. So that is the shotguns.

6 Can you briefly describe the make  
7 and models of the rifles that you possess?

8 A. I am sure I will miss a couple,  
9 but I have two or three Ruger 10-22's; that  
10 is 10-22, is the model number. I have a  
11 Remington 700. It is a bolt action chambered  
12 3-0-8. I have a Savage bolt action 3-0-8. I  
13 have a Mosin-Nagant.

14 Q. Can you spell that?

15 A. M-O-S-I-N, dash, N-A-G-A-N-T.

16 Q. I think that is four.

17 Are there any other rifles that  
18 you can think of?

19 A. Yes. I have two Anschutz,  
20 A-N-S-C-H-U-T-Z, competition rifles. I have  
21 a German German Mauser M-98. I have a  
22 Spanish Mauser. There is probably a couple  
23 more I can't remember.

24 Q. Okay. Besides these shotguns and  
25 rifles that you just testified about, are

1 J. Lane

2 there any other guns that you possess?

3 A. I got a couple of pellet guns, if  
4 that counts.

5 Q. That does count.

6 What are the makes or models?

7 A. Oh, I don't remember.

8 Q. Besides these shotguns, rifles  
9 and pellet guns, any other arms or guns that  
10 you possess?

11 A. No.

12 Q. Just to take it back, take a step  
13 back, have you applied for a New York State  
14 gunsmith license?

15 A. No.

16 Q. Have you ever been -- I should  
17 have asked this earlier.

18 Have you been a plaintiff in any  
19 other lawsuit besides this one before?

20 A. Yes.

21 Q. And what was the defendant in  
22 that lawsuit?

23 A. There are a couple of them.

24 Q. Let's start with the first one.

25 Do you recall the name of the

1 J. Lane

2 defendant?

3 A. Well, if you mean by first,  
4 chronologically?

5 Q. Yeah.

6 A. I am not sure.

7 Let's see. I sued Amazon.com  
8 because they sold me a computer that was  
9 defective, and they wouldn't make it right.

10 Q. Okay. And do you recall the  
11 jurisdiction or the court where you sued  
12 them?

13 A. Manhattan Supreme.

14 Q. And what year was this lawsuit?

15 A. Actually, it might have been  
16 Westchester, because that is where I live.

17 Two or three years ago.

18 Q. Were you represented by an  
19 attorney?

20 A. Myself.

21 Q. And were there any other  
22 defendants besides Amazon.com?

23 A. There was as an Amazon vendor  
24 that made the computer.

25 I can't remember the name of the



1 J. Lane

2 company.

3 Q. And has that lawsuit been  
4 resolved or settled?

5 A. It was settled.

6 Q. Are the terms of the settlement  
7 confidential?

8 A. I can't remember. Probably.

9 Q. So that is the first lawsuit.  
10 Have you been a plaintiff in any  
11 other lawsuits?

12 A. I sued State Farm Insurance  
13 Company about ten years ago, maybe more.

14 Q. And do you recall the court?

15 A. Westchester Supreme.

16 Q. And what was the basis of the  
17 lawsuit?

18 A. Well, we had a very large tree  
19 fall on our house. It was about hundred  
20 thousand dollars in damage. We had to move  
21 out.

22 And our home insurance was with  
23 State Farm, and they suggested that we engage  
24 a particular contractor to do the work.

25 And the contractor didn't do

1 J. Lane

2 things the way they should have, and so we  
3 sued the contractor and the insurance  
4 company.

5 Q. And when you say "we," do you  
6 mean you and another individual?

7 A. Well, my wife.

8 She may have been the plaintiff,  
9 now that I think about it, yes.

10 Q. And was this lawsuit resolved?

11 A. It was.

12 Q. Was it settled?

13 A. Yes.

14 Q. Again, do you know if the terms  
15 of the settlement were confidential?

16 A. I think they were.

17 Q. Besides these two lawsuits that  
18 you have mentioned, have you been a plaintiff  
19 in any other lawsuit?

20 A. I think probably, but I just  
21 can't remember.

22 Q. And your wife's name?

23 A. Pamela Sullivan.

24 Q. And how long have you been  
25 married to Pamela Sullivan?

1 J. Lane

2 A. About 450 years.

3 We were married in 2000.

4 Q. And were you married before that?

5 A. No.

6 Q. So as you sit here, these are the  
7 two lawsuits that you can recall, the two  
8 other lawsuits that you were a plaintiff?

9 A. That is what I can recall.

10 Q. Have you ever been named as a  
11 defendant in a lawsuit before?

12 A. I don't think so.

13 Q. Have you ever -- other than I  
14 guess, this morning, have you provided  
15 testimony under oath before?

16 A. Yes. I was an expert witness in  
17 court in Montreal, Canada.

18 Q. And what year was your testimony  
19 in Montreal, Canada?

20 A. 2008, 2009, something like that.

21 Q. And can you briefly describe the  
22 nature of the lawsuit?

23 A. It was a trademark dispute.

24 Q. And who retained you in this  
25 lawsuit? Was it the plaintiff or defendant?

1 J. Lane

2 A. It was the plaintiff.

3 Q. And can you briefly describe the  
4 nature of your expert testimony in that  
5 lawsuit?

6 A. I was asked to testify as to  
7 federal trademark law, U.S. Federal trademark  
8 law, for the benefit of the Canadian court.

9 Q. And on what basis were you  
10 retained as an expert on the U.S. Federal  
11 trademark law?

12 A. I guess some years of practicing  
13 trademark law.

14 Q. And was this lawsuit in Montreal  
15 resolved?

16 A. It was.

17 Q. Was it settled?

18 A. I was only the expert witness, so  
19 I wasn't involved in the rest of the case.

20 Q. Understood.

21 Other than this expert testimony  
22 in Montreal, have you testified under oath in  
23 any other court before, or excuse me, any  
24 other circumstances before?

25 A. Other than that will contest that

1 J. Lane

2 I mentioned, no, I don't think so.

3 Q. Okay. I just want to go back to  
4 your testimony about -- you testified about  
5 these shotguns, these rifles and pellet guns.

6 Did you purchase these firearms  
7 from a dealer, from a seller?

8 A. Well, I purchased them all from  
9 different people.

10 Q. Do you recall their names?

11 MR. ROTSKO: Objection. The  
12 plaintiff's history of firearms  
13 ownership is irrelevant. Outside the  
14 scope of discovery.

15 A. I purchased a couple of them  
16 through GunBroker.com. I purchased some of  
17 them at gun stores here and there.

18 Q. Do you recall where the gun  
19 stores were located?

20 A. One in, I think it is in  
21 Yorktown, New York, that I go to  
22 occasionally.

23 Q. Do you recall the name of the gun  
24 store?

25 A. I don't recall the name of that

1 J. Lane

2 one, no.

3 Q. Any other dealers or stores?

4 A. There is one in Carmel, New York.  
5 I think it is called Precision Arms, but I  
6 might be getting that wrong.

7 Q. Any other stores or dealers?

8 A. There is one in the town of  
9 Coxsackie, New York.

10 Q. Is that a store?

11 A. It is a gun store, yes.

12 Q. Do you recall the name of that  
13 store?

14 A. I don't recall.

15 Q. Any other stores or dealers that  
16 you can recall?

17 A. Not that I can recall at this  
18 moment.

19 Q. And why did you decide to  
20 purchase these shot -- strike that.

21 Why did you decide to purchase  
22 the shotguns that you testified about just  
23 now?

24 MR. ROTSKO: Objection.

25 Mr. Lane's motivation for

1 J. Lane

2 purchasing firearms in the past is  
3 irrelevant to his standing in this  
4 action.

5 A. Different reasons. The pump 12,  
6 I use for turkey hunting. The 16 gauge over  
7 and under, one of them was a gift from my  
8 father, and I bought a twin for it, so we  
9 would have two, just because I saw one  
10 available.

11 John Daily gun, I bought to shoot  
12 trap.

13 The rest, I just, I guess, found  
14 them interesting.

15 Q. And same question for rifles that  
16 you testified about?

17 A. Uh-huh.

18 MR. ROTSKO: Same objection.

19 A. The Ruger 10-22s I bought for  
20 sport. They are fun to mess around with.

21 The several vintage military  
22 guns, I bought because, as I mentioned  
23 earlier, I just have a historical interest.  
24 They are really beautiful guns.

25 The Anschutz rifles, I bought for

1 J. Lane

2 competition shooting.

3 Remington 700 and Savage 3-0-8s,  
4 I bought for deer hunting.

5 Q. And same question for the pellet  
6 guns?

7 A. Those are to shoot mice.

8 Q. Okay. So have you -- put it this  
9 way: Have you used the shotguns that you  
10 testified about? Have you fired them?

11 A. I think I fired every gun that I  
12 own, yes.

13 Q. And this is a bit of a broad  
14 question, but where have you fired them?

15 A. Gun ranges, and places where we  
16 hunt.

17 Q. All right. Any particular gun  
18 ranges -- excuse me. Strike that.

19 Any specific gun range that you  
20 frequent?

21 MR. ROTSKO: Objection. Judge  
22 Karras has already ruled that the  
23 plaintiff's history of gun usage is  
24 irrelevant to his standing to bring this  
25 action.



1 J. Lane

2 A. Well, I like to go to a place in  
3 Connecticut called Blue Mountain Range. It  
4 is just a really nice family-owned place. I.

5 Also go to one in Peekskill,  
6 New York, which is called Blue Hill.

7 Actually, I might be mixing those  
8 two up. They are Blue Mountain and Blue  
9 Hill. Those are outdoor ranges.

10 I go sometimes to a place called  
11 Pioneer Shooting Center in Mount Vernon,  
12 New York.

13 For several years I went to -- we  
14 belonged to a club in Greenwich, Connecticut.  
15 I can't even remember the name of the club.

16 Cos Cob Shooting Club, I believe  
17 it is called.

18 Q. Approximately, let's say per  
19 month, how often would you say you attended  
20 these gun ranges?

21 MR. ROTSKO: Same objection.

22 A. Well, I haven't been for the last  
23 couple of years, but typically in the summer,  
24 at least a couple of times a month.

25 Q. Okay. And do you have to be a

1 J. Lane  
2 member of any of these gun ranges?

3 A. No.

4 You can be a member at Pioneer,  
5 and we were for a while.

6 I didn't renew it the last time.

7 Q. In terms of hunting, again, are  
8 there any specific locations you can think of  
9 where you go hunting?

10 MR. ROTSKO: Objection.

11 Mr. Lane's hunting history is  
12 irrelevant to this case, as Judge Karras  
13 has already ruled.

14 Q. You can answer.

15 A. Places in upstate New York.

16 It is kind of like if you ask a  
17 fisherman where do you fish, they are not  
18 going to tell you. Public land in upstate  
19 New York and some private land that we have  
20 permission to use.

21 Q. Okay. And the public land, are  
22 those state parks or ranges?

23 A. I don't think they are  
24 technically state parks.

25 You probably don't know this, but

1 J. Lane

2 New York State has more public land than any  
3 state in the country.

4 Q. I did not know that.

5 A. I didn't either, until I started  
6 hunting.

7 There is a great deal of public  
8 land in this beautiful state. And a lot of  
9 it isn't even marked, so you kind of have to  
10 know where it is.

11 Q. And you mentioned private land.

12 Are these individuals who give  
13 permission to enter on their private land?

14 A. Yes.

15 Q. Is there more than one  
16 individual?

17 A. No.

18 Q. What is the name of this  
19 individual?

20 A. I would rather not say.

21 Q. Is there a reason why you would  
22 rather not say?

23 A. It is just not relevant, and I  
24 don't -- you know, I would just rather not  
25 say.

1 J. Lane

2 MR. RUBINSTEIN: Well, we hold  
3 this open for now.

4 We may come back to this, but at  
5 least in the record.

6 MR. ROTSKO: Just note it is  
7 subject to my objection at the beginning  
8 of the line of questioning about the  
9 hunting history.

10 Q. Mr. Lane, you mentioned a safe.  
11 Did you purchase this safe?

12 A. I did.

13 Q. And when did you purchase this  
14 safe?

15 A. I don't know. 12 years ago,  
16 maybe.

17 Q. And why did you decide to  
18 purchase this safe?

19 A. To put guns in.

20 Q. Approximately how large is this  
21 safe, if you can recall?

22 A. There are two of them, actually,  
23 and you can get in either one of them.

24 Q. And are your guns stored at all  
25 times in the safe when you are not using

1 J. Lane

2 them?

3 A. Yes.

4 Q. Does anyone else besides yourself  
5 have access to this safe?

6 A. No.

7 Q. Does your wife have access to  
8 this safe?

9 A. No.

10 Q. And is there a code for the safe?

11 A. It has a key.

12 Q. A key, okay.

13 Do you have that -- besides  
14 yourself, does anyone else have access to  
15 this key?

16 A. No.

17 Q. All right. Mr. Lane, do you own  
18 any ammunition?

19 A. Yes.

20 Q. And what -- is there a specific  
21 type of ammunition that you use?

22 MR. ROTSKO: Objection.

23 Mr. Lane's ammunition ownership  
24 is irrelevant to his standing to bring  
25 this action.

1 J. Lane

2 A. What do you mean by type?

3 Q. Brand. My apologies.

4 A. I don't remember brands.

5 I have many brands.

6 Q. Approximately -- how should I put  
7 this? How much ammunition -- and I know that  
8 is sort of a general question, but just  
9 generally speaking, how much ammunition do  
10 you own?

11 A. Enough.

12 MR. ROTSKO: Same objection.

13 A. Sorry. I don't mean to be  
14 flippant.

15 Q. No, it is a general question.

16 Do you know if you own a specific  
17 number of rounds of ammunition, I guess?

18 MR. ROTSKO: Objection. Same  
19 objection.

20 A. No. I mean, you know, it is a  
21 fairly substantial amount of ammo, because  
22 you get it cheaper when you buy it in bulk,  
23 and then you don't have to go back again.

24 Q. Sure. And where have you  
25 purchased this ammunition -- strike that.

1 J. Lane

2 Have you purchased this  
3 ammunition from a particular seller?

4 A. I purchase ammunition sometimes  
5 at the Bass Pro Shop in Bridgeport,  
6 Connecticut.

7 Q. Anywhere else that you have  
8 purchased ammunition?

9 A. Anywhere I happen to be that they  
10 have a good price.

11 Q. And why have you decided to  
12 purchase ammunition?

13 A. Well, I have guns. They are not  
14 much good, unless you have some ammunition.

15 Q. Mr. Lane, have you ever been in a  
16 situation where you need to use a gun for  
17 self defense?

18 MR. ROTSKO: Objection.

19 Mr. Lane's prior history of self  
20 defense incidents is irrelevant to his  
21 standing to bring this action as, Judge  
22 Karras has already ruled period.

23 A. No. I have been lucky so far.

24 Q. Similar question, do you  
25 anticipate being in a situation where you

1 J. Lane

2 will need to use a gun to defend yourself?

3 MR. ROTSKO: Same objection.

4 A. If I were defending myself in  
5 this deposition, and I asked this question, I  
6 would object. It calls for speculation.

7 I mean, I don't know. It could  
8 happen.

9 Q. Okay.

10 MR. ROTSKO: Objection, calls for  
11 speculation.

12 MR. RUBINSTEIN: Fair.

13 Q. Okay. And when you say, so it  
14 could happen -- well, I know you say it calls  
15 for speculation, and it could happen.

16 Have you thought about situations  
17 before where you might use a gun for self  
18 defense?

19 A. Sure.

20 Q. Again, it has not happened.

21 Actually, what situations have  
22 you thought about where you might use or want  
23 to use gun in self defense?

24 A. I have two children and a wife,  
25 and we live in a house. People break into



1 J. Lane

2 houses. We have already been burglarized at  
3 least once recently.

4 If someone broke into my house,  
5 and I reasonably believed they were  
6 threatening my family, I would certainly not  
7 hesitate to use a gun to defend my family.

8 Q. Would you think about using a gun  
9 anywhere outside the house in self defense?

10 A. Well, I am not usually carrying a  
11 gun outside the house, but I guess the same  
12 thing: If I had a gun, and someone was  
13 threatening my life or the life and safety of  
14 my family, I would use it, yes.

15 Q. Just briefly, on this burglary,  
16 were you inside the house when the burglary  
17 occurred?

18 A. We don't know, actually.

19 Q. When did you find out that the  
20 house had been burglarized? Was it the next  
21 day?

22 A. I guess.

23 They stole a welder and some  
24 other tools. And my son is a pretty good  
25 welder, and I think he was going to weld

1 J. Lane

2 something, and realized the welder was gone,  
3 and we realized someone had broken in and  
4 gotten into the garage and taken the welder.

5 And when we looked around, we  
6 found other things were missing, as well.

7 Q. I don't want to know your  
8 children's names.

9 What are their ages?

10 A. My son is 19, and my daughter is  
11 22.

12 Q. And is your son in school?

13 A. He is not.

14 Q. And is your daughter in school?

15 A. She is.

16 Q. And, Mr. Lane, would a  
17 semiautomatic rifle be better for self  
18 defense, as compared to other firearms?

19 A. That is kind of a subjective  
20 question.

21 Probably.

22 Q. And why would it probably be  
23 better for self defense, a semiautomatic  
24 rifle?

25 A. For the obvious reason that it

1 J. Lane

2 can be fired more quickly, if you need to  
3 fire it more than once.

4 Q. And how do you know that it can  
5 be fired more quickly?

6 A. Because that is what a  
7 semiautomatic rifle is. It is just the  
8 definition of the kind of gun that it is.

9 Q. Have you ever fired a  
10 semiautomatic rifle?

11 A. Yes.

12 Q. And where have you fired a  
13 semiautomatic rifle?

14 A. At gun ranges.

15 Q. Any gun range in particular?

16 A. Pioneer Shooting Center, I  
17 mentioned.

18 Q. Anywhere else?

19 A. Yes. In North Carolina, where I  
20 am from, I used to go to the range with my  
21 dad a lot.

22 Q. And approximately how many years  
23 was this, if you recall, in North Carolina?

24 A. Well, I am 66 years old, and it  
25 would have started when I was young; so I

1 J. Lane

2 don't know if that helps, but over many  
3 years.

4 Q. Okay. And I know it has been  
5 many years when you fired these semiautomatic  
6 rifles.

7 Do you recall the model or the  
8 make?

9 A. No, not really. We had several  
10 different guns.

11 Q. So these rifles, these  
12 semiautomatic rifles, belonged to your  
13 father?

14 A. Yes.

15 Q. Have you, yourself, purchased a  
16 semiautomatic rifle before?

17 A. Yes. In my list earlier of guns  
18 that I own, I mentioned Riverton 22's.

19 That is a semiautomatic rifle.

20 Q. And the other rifles you  
21 mentioned are not semiautomatic?

22 A. Correct.

23 Q. What would those other rifles be  
24 classified as, if you know?

25 A. Most of them are bolt action or

1 J. Lane

2 single shot.

3 Q. What is the difference between a  
4 semiautomatic rifle and a bolt action or  
5 single shot?

6 A. Well, with a semiautomatic rifle,  
7 you put the ammo in the magazine, and it has  
8 a spring mechanism, so that when you shoot,  
9 the force of the discharge of the gun pushes  
10 the projectile through the barrel, and it  
11 also pushes the spring mechanism back, which  
12 allows a new round to enter from the magazine  
13 into the chamber, which it then closes back  
14 on; so it is an automatic process.

15 So as long as there is ammo in  
16 the magazine, you can shoot a round. It will  
17 reload on its own, and then you shoot another  
18 round.

19 That is the way a semiautomatic  
20 rifle works, I imagine you know.

21 Q. Sure.

22 A. A bolt action rifle is similar,  
23 in the sense it will usually have a magazine.  
24 Sometimes it is internal as opposed to a  
25 removal magazine. You put the ammo in the

1 J. Lane

2 magazine, and every time you fire it, you  
3 pull the bolt back -- up and back, and then  
4 the spring pushes the round up into the  
5 chamber. And you push the bolt back, and it  
6 loads the round.

7 Q. And why did you decide to  
8 purchase this Ruger?

9 A. Like I said, they are just fun to  
10 shoot.

11 Q. Was that the first semiautomatic  
12 rifle that you purchased yourself?

13 A. I mean, the only semiautomatic  
14 rifles I have ever purchased are Ruger  
15 10-22s; so yes.

16 Q. So you purchased Rugers before?

17 A. I have two or three of them, yes.

18 Q. And I guess one thing you  
19 mentioned, do you currently own a magazine?

20 A. The Ruger 10-22s have external  
21 magazines.

22 Q. I should have been clear.  
23 Please, so what kind of magazine  
24 is it?

25 A. It is just a little box-like

1 J. Lane

2 thing that you put the bullets in, and it has  
3 a spring in it, and then you push it up into  
4 the bottom of the action of the gun.

5 Q. Is that considered a detachable  
6 magazine?

7 A. It is a detachable magazine, yes.

8 Q. Do you possess any other types of  
9 magazines besides the one you just described?

10 A. The only magazine -- the only --  
11 I think the only magazines I have are  
12 detachable magazines, that you called them,  
13 for the Ruger 10-22s.

14 Q. And so when you purchased the  
15 Ruger, did it come with this detachable  
16 magazine?

17 A. Yes.

18 Q. Do you own -- you testified about  
19 the Ruger.

20 Do you own any other weapons that  
21 would be considered an assault rifle?

22 A. There is no such thing as an  
23 assault rifle.

24 MR. ROTSKO: Objection.

25 Are you saying that the Ruger

1 J. Lane

2 10-22 is an assault rifle?

3 MR. RUBINSTEIN: No. We can have  
4 that conversation another day.

5 Q. But I think the question I want  
6 to ask is: Under the New York statute, as  
7 you understand it, if you own any assault  
8 rifles?

9 A. No.

10 Q. And why do you not own any  
11 assault rifles?

12 A. Because they are illegal to own  
13 in the State of New York.

14 Q. And I guess I know this is tied  
15 to the statute, but what is your personal  
16 understanding of an assault rifle?

17 I don't want to get to bogged  
18 down in the statute language, just your  
19 personal understanding?

20 A. My personal understanding is it  
21 is a political term.

22 Q. And can you explain what you  
23 mean, it is a political term?

24 A. Well, let me -- I would explain  
25 it to you this way. This is the way I



1 J. Lane

2 sometimes explain it to people.

3 The Ruger 10-22, of which I have  
4 several, is a very simple 22 caliber  
5 semiautomatic rifle. I think it is probably  
6 the most popular gun ever made in America.  
7 They have been making them for 60, 70 years I  
8 guess. Many hundreds of thousands of them  
9 have been produced.

10 In other parts of the country,  
11 kids learn how to shoot with Ruger 10-22. It  
12 is a real simple gun. It is perfectly legal  
13 in every other jurisdiction in the United  
14 States, to my knowledge.

15 I can take one screw out of the  
16 bottom of the stock of the Ruger 10-22 and  
17 remove the stock, and using that same screw,  
18 I can put a different stock on it that  
19 happens to have a folding part on the back.

20 The gun functions exactly the  
21 same. There is no difference.

22 Now, it is an illegal assault  
23 rifle, under New York Law. So that is the  
24 difference.

25 It is cosmetic things that really

1 J. Lane

2 don't change the function of the gun.

3 Q. So your testimony is that what  
4 you currently own, the Ruger, you would not  
5 classify that as an assault rifle, because of  
6 what you just mentioned in terms of the  
7 stock, correct?

8 A. It doesn't have any of the  
9 features that New York considers would make  
10 it an assault rifle.

11 Q. We might come back to this a  
12 little later.

13 Mr. Lane, have you applied for  
14 any firearms license before?

15 MR. ROTSKO: Objection.

16 A. You already asked me that.

17 Q. I think -- do you possess any  
18 firearms license?

19 A. I possess a federal firearms  
20 license.

21 Q. We have discussed that.

22 I want to talk about other  
23 licenses that you own.

24 A. Oh, I have what they call a Utah  
25 license, which theoretically would allow me

1 J. Lane

2 to carry a handgun in states that recognize  
3 the Utah license.

4 Q. When did you apply for this Utah  
5 license?

6 A. I don't know. Ten years ago,  
7 maybe.

8 Q. And why did you decide to apply  
9 for this Utah license?

10 A. Well, I don't remember exactly.  
11 There is an education process  
12 that you have to go through to get it, and I  
13 thought that would be helpful.

14 Q. This may be a bit naive.  
15 Is there a reason you decided to  
16 apply in the State of Utah?

17 MR. ROTSKO: Objection.

18 Mr. Lane's out-of-state permits  
19 are definitely irrelevant to his  
20 standing to bring an action in this  
21 case.

22 A. I applied from my home in  
23 New York.

24 Q. I guess my question is: Was  
25 there a reason why you applied for a license

1 J. Lane

2 from the State of Utah, in particular?

3 A. I think it is the most widely  
4 recognized license in the country.

5 Q. And so your understanding was  
6 that you could use this Utah license in other  
7 states?

8 A. I think it is 32 states recognize  
9 the Utah license.

10 Q. Is the State of New York one of  
11 those states?

12 A. No.

13 Q. And you mentioned carrying  
14 handguns.

15 Mr. Lane, do you possess any  
16 handguns?

17 A. I don't.

18 MR. ROTSKO: Asked and answered.

19 A. I do not.

20 Q. And do you currently maintain  
21 this Utah license?

22 A. I do.

23 Q. Is there a renewal process, if  
24 you know?

25 A. I think it is every five years.

1 J. Lane

2 Q. Do you recall the last time you  
3 renewed it?

4 A. It is two or three years ago.

5 Q. And briefly, what information did  
6 you submit for this Utah license?

7 A. You have to submit proof that you  
8 received the -- went through the educational  
9 process, and then I can't remember what else.  
10 You have to fill out some forms  
11 and stuff, and send a picture of yourself in.

12 Q. What educational process are you  
13 referring to?

14 A. It is a course that you take. I  
15 think it was two or three days, on safety and  
16 use.

17 Q. Was it online?

18 A. No, it was in person.

19 Q. So did you travel to Utah for  
20 this course?

21 A. No.

22 Q. So the course was outside of  
23 Utah, correct?

24 A. It was in New York, yes.

25 Q. Were you interviewed before being

1 J. Lane

2 issued this license, this Utah license?

3 A. No.

4 Q. So you mentioned this federal  
5 license, and you mentioned this Utah license.

6 Do you possess any other  
7 licenses, Mr. Lane?

8 A. I don't know if it is considered  
9 a license, but I have Connecticut permit that  
10 allows me to purchase ammunition in  
11 Connecticut.

12 Q. And when did you apply for this,  
13 we will call it an ammunition permit, just  
14 for the shorthand? When did you apply for  
15 this license?

16 A. Again 10, 12 years ago.

17 Q. And why did you decide to apply  
18 for this ammunition license or permit? We  
19 will call it an ammunition permit.

20 A. Well, I went to the Bridgeport  
21 Bass Pro and put some ammo in my basket, and  
22 went to the checkout counter.

23 And the very nice woman at the  
24 checkout counter asked to see my permit. And  
25 at that point, I learned that you have to

1 J. Lane

2 have a permit.

3 So I put the ammo back on the  
4 shelf, and went over to the state trooper's  
5 officer and applied for a permit.

6 Q. Do you recall the application  
7 process? Was there a form?

8 A. There is a form. I think they do  
9 a standard NICS check.

10 Q. Is that an acronym?

11 A. N-I-C-S.

12 Q. And what does that stand for,  
13 that acronym?

14 A. I don't remember.

15 Q. Was there any educational  
16 training for this ammunition permit?

17 A. I don't think so. I can't  
18 remember.

19 I think I filled it out, you  
20 know, while I was there, and just handed it  
21 to him.

22 Oh, and they took my picture,  
23 yes.

24 Q. And were you interviewed by  
25 anyone?

1 J. Lane

2 A. I don't think so.

3 Q. And do you still maintain this  
4 ammunition permit from Connecticut?

5 A. I do.

6 Q. And within the past two years,  
7 have you fired ammunition within the state of  
8 Connecticut?

9 A. Within the past two years?

10 Q. Or three years?

11 A. No.

12 Q. Do you intend to fire ammunition  
13 within the State of Connecticut?

14 A. I might.

15 Q. In which situations?

16 A. Well, if I want to a range in  
17 Connecticut.

18 I mentioned earlier that I go to  
19 the Blue Trail range in Connecticut. And I  
20 think I had a Connecticut hunting license at  
21 one point, which I might renew.

22 Q. When were you issued -- if you  
23 recall, when were you issued the Connecticut  
24 hunting license?

25 MR. ROTSKO: Objection.



1 J. Lane

2 A. I don't remember.

3 I think I got it because we were  
4 thinking maybe we will do some hunting in  
5 Connecticut, and we just never did.

6 Q. Do you recall the application  
7 process? Was there a form you submitted?

8 A. You have to -- well, if I  
9 remember correctly, I had to submit proof  
10 that I had a license in the State of New  
11 York, or maybe that I had gone through the  
12 hunter ed, hunter education process, and I  
13 had to submit proof of all that.

14 Q. And were you interviewed for this  
15 hunting license?

16 A. No.

17 Q. And is it correct that this  
18 hunting license, I guess for lack of a better  
19 term, lapsed?

20 A. As far as I know, every hunting  
21 license is good for one season.

22 Q. So you mentioned a Utah license,  
23 the Connecticut ammunition permit, the  
24 Connecticut hunting license and the federal  
25 license, I believe.

1 J. Lane

2 Any other firearms licenses that  
3 you have been issued?

4 A. I don't consider a hunting  
5 license a firearms license.

6 Q. That is fair.

7 Any other licenses that you have  
8 been issued that you have not mentioned so  
9 far in your testimony?

10 A. I think I did Maine one year.

11 Q. What type of license was that, do  
12 you recall?

13 A. It would have been a deer  
14 license, or big game, I guess they call it.

15 Q. Do you recall approximately the  
16 year?

17 A. Six, seven years ago, maybe.

18 Q. All right. And any other  
19 licenses besides what you testified about?

20 A. Well, I have a law license.

21 Q. Fair enough.

22 Mr. Lane, have you been issued a  
23 firearms license by the State of New York?

24 A. No, I have not.

25 Q. Have you ever applied for a

1 J. Lane

2 firearms license with the State of New York?

3 A. I didn't even know there was such  
4 a thing until recently.

5 No, I have not.

6 Q. And why have you not applied for  
7 a firearms license with the State of  
8 New York?

9 A. Well, other than the gun that we  
10 are here about, I don't really have any  
11 present desire to purchase any additional  
12 guns, so I don't need one.

13 Q. So is it your understanding that  
14 for the 12 to 15 firearms -- the 12 to 15 ten  
15 guns that were mentioned, you testified, it  
16 is your understanding that you did not  
17 require a New York firearms license to  
18 possess?

19 MR. ROTSKO: Objection, calls for  
20 a legal conclusion.

21 A. Yes, that is my understanding.

22 Q. What is the basis of your  
23 understanding?

24 A. Because that is the law, or it  
25 was, anyway.

1 J. Lane

2 Q. Can you explain what you mean, it  
3 was, anyway?

4 A. Well, I don't know much about it,  
5 because I haven't needed to.

6 But I think if I were going to  
7 purchase the Ruger 10-22 in the State of  
8 New York, I would need to apply for a  
9 license.

10 Q. So your understanding is that  
11 when you purchased it, you did not require  
12 any license from New York?

13 A. That is correct.

14 Q. So have you applied for a  
15 semiautomatic rifle license, as it is called?

16 MR. ROTSKO: Objection, asked and  
17 answered.

18 A. That is what we were just talking  
19 about.

20 Yes, I have not.

21 Q. All right. You might have  
22 mentioned this already.

23 Have you ever had a firearm  
24 license revoked?

25 A. No.

1 J. Lane

2 Q. Have you ever had a firearm  
3 license suspended?

4 A. No.

5 Q. And if you do intend to apply for  
6 a license at some point, do you know the  
7 jurisdiction that you would be applying to?

8 MR. ROTSKO: Objection, calls for  
9 speculation.

10 A. Wherever I am living, I guess.

11 Q. Would be that Westchester County?

12 A. That is where I live now, yes.

13 Q. Have you had any -- other than  
14 your attorney, Mr. Rotsko, have you had any  
15 discussion about applying for a firearm  
16 license in New York?

17 A. No.

18 Q. Couple more questions, and we can  
19 take a quick break.

20 A. Okay.

21 Q. Mr. Lane, you might have answered  
22 this already.

23 Have you received any firearms  
24 training before?

25 A. Yes.

1 J. Lane

2 Q. Approximately how many courses on  
3 firearms training have you received?

4 A. Well, firearms training is a  
5 fairly broad concept.

6 My father was a lifelong NRA  
7 instructor, and I initially received my  
8 training with him over many years. I  
9 mentioned that I took the Utah course. I  
10 took the New York State hunter education  
11 course, which is a two- or three-day process.  
12 I also took an NRA handgun course.

13 That is all I can think of right  
14 now.

15 Q. Just a few questions, and then we  
16 can take a break.

17 This New York State hunter  
18 education course, do you approximately recall  
19 the date that you took the course?

20 A. Well, let's see. My son had just  
21 turned 12, because that is when you can get  
22 your hunting license in New York.

23 And he is 19, so that would have  
24 been seven years ago, I guess.

25 Q. And why did you decide to take

1 J. Lane

2 this training, this hunter education  
3 training?

4 A. So that I could get a hunting  
5 license.

6 Q. Was it a prerequisite to obtain  
7 the hunting license?

8 A. It is, yes.

9 Q. Approximately how many hours of  
10 training was required?

11 A. It took three days.

12 I don't remember -- it wasn't all  
13 day, all three days, but it was spread over  
14 three days.

15 I don't remember how many hours.

16 It was a fairly involved course.

17 Q. Briefly, what kind of training  
18 did you receive over the course of three  
19 days?

20 A. Lots of training and safety. I  
21 would say that is the main focus of the whole  
22 program, things like if you see a deer that  
23 you want to shoot, make sure you know what is  
24 behind it. Things about where you can and  
25 cannot hunt legally. What kind of guns you

1 J. Lane

2 can use to hunt. What kind of animals, you  
3 know, the laws pertaining to hunting, and  
4 then things like if you shoot an animal, and  
5 it runs away, how do you find it? Should you  
6 find it?

7 We learned that, for example,  
8 there is a phone number you can call in the  
9 State of New York, and the DDC will come and  
10 help you track the animal. They even bring a  
11 helicopter, if necessary.

12 And then there is a shooting  
13 component of it, where you get some target  
14 shooting, to make sure you can handle a gun.

15 Q. This NRA handgun course, do you  
16 recall the year that you took this course?

17 A. I don't think.

18 I think we produced the  
19 certificate.

20 Q. Why did you decide to take this  
21 NRA handgun course?

22 A. More or less just to advance my  
23 knowledge and understanding.

24 Q. And do you recall where this  
25 course was held?



1 J. Lane

2 A. It was in Norwalk, Connecticut.

3 Q. And do you recall approximately  
4 how long this training was, in terms of  
5 hours?

6 A. It took several days.

7 And then I went with the  
8 instructor several times after. I don't  
9 think -- I am not sure where we drew the  
10 line, in terms of the hours that we had to  
11 be -- had to complete the course versus just  
12 going for the fun of it, but it was five or  
13 six days, at least, that I was with him.

14 Q. And briefly, can you describe the  
15 kind of training that you received over the  
16 course of that five or six days?

17 A. We were at the range similar to  
18 what I described with the hunting course:  
19 Safety, handling a gun, you know, when to put  
20 it down, how to pick it up, things like that.

21 MR. RUBINSTEIN: I think we can  
22 take a five-minute break, if that is  
23 okay, or more?

24 THE WITNESS: I am fine.

25 (Whereupon, a short recess was

1 J. Lane

2 taken at 11:06 a.m., and testimony

3 resumed at 11:16 a.m.)

4 Q. Mr. Lane, why did you decide to  
5 bring this lawsuit?

6 A. Because I would like to purchase  
7 a Springfield Armory Saint rifle. That is  
8 what they call it. It is a great name.

9 Q. What is a Springfield rifle --  
10 strike that.

11 I am sorry.

12 What kind of rifle was that  
13 Springfield?

14 A. It is called -- the model is just  
15 called the Saint.

16 Q. The Saint, okay.

17 A. Like a 10-22 is called a 10-22.  
18 This one is called the Saint.

19 Q. And are assault rifles important  
20 to you?

21 A. Again, I really -- I don't relate  
22 very well to the term, assault rifle.

23 Q. As you consider it.

24 A. The gun that I would like to  
25 purchase is important to me, yes.

1 J. Lane

2 Q. And why is it important to you?

3 A. Well, I would like to own it.

4 I mean, I don't know that I need  
5 to have more than that.

6 Q. We will come back to that in a  
7 few minutes.

8 And how did you decide to bring  
9 this lawsuit?

10 A. Well, I mean, I have been a  
11 member of these various gun rights  
12 organizations for years.

13 And after the circa versus the  
14 Bruen decision, it seemed to me that the  
15 world has changed, and the law that prohibits  
16 me from purchasing that gun is no longer  
17 constitutional.

18 Q. And which law, in particular, are  
19 you referring to?

20 A. I think they call it the Safe  
21 Act.

22 Q. You mentioned these organizations  
23 that you have been a member of.

24 What are the names of these  
25 organizations?

1 J. Lane

2 A. Well, I am member of the NRA. I  
3 am a member of the NYSRPA, although my  
4 membership may have lapsed. That is  
5 N-Y-S-R-P-A, New York State Rifle and Pistol  
6 Association. Second Amendment Foundation. I  
7 have supported Westchester County Firearms  
8 Owners Association, gun Owners of America.  
9 Those are the ones I can think  
10 of.

11 Q. How about the Firearms Policy  
12 Coalition?

13 A. Yeah. I am not sure that is a  
14 membership organization, but I certainly  
15 support the organization. I believe in what  
16 they do.

17 Q. And when did you join the NRA?

18 A. The first time I ever joined the  
19 NRA?

20 Q. If there has been more than one,  
21 yes.

22 A. Many, many years ago.  
23 Memberships lapse, and you  
24 rejoin, and so forth.

25 Q. And how about NYSRPA? Do you

1 J. Lane

2 recall when you joined NYSRPA?

3 A. I don't. Around the time we  
4 started hunting, probably.

5 Q. The Second Amendment Foundation,  
6 do you recall when you joined that?

7 A. I don't. It is all the same  
8 general time frame.

9 Q. Within the past 20 years?

10 A. Within the past ten years.

11 Q. The same question for Westchester  
12 Firearms -- Westchester County Firearms  
13 Association and Gun Owners of the USA. Also,  
14 you joined within the past ten years?

15 A. Yes.

16 Q. For any of the organizations that  
17 you listed, have you served as an officer?

18 A. No.

19 Q. Have you had any  
20 communications -- have you had any  
21 discussions with officers of these  
22 organizations?

23 MR. ROTSKO: Objection. Two  
24 attorneys from -- one from SAF and one  
25 from FPC, Firearms Policy Coalition and

1 J. Lane

2 the Second Amendment Foundation, are  
3 counsel of record in this case, to the  
4 extent to which either of those are  
5 officers of either of those  
6 organizations, that question calls for  
7 attorney-client privileged  
8 communications and work product.

9 And I will direct Mr. Lane not to  
10 answer.

11 Q. Just a couple of follow-ups.

12 Just for the record, if you know  
13 the names of those two attorneys from the  
14 Second Amendment Foundation and FPC?

15 MR. ROTSKO: Objection.

16 They are right on the pleadings.

17 MR. RUBINSTEIN: Okay. That is  
18 what I wanted to know.

19 Q. Besides these two individuals,  
20 can you think of any other officers or  
21 members of these organizations that you have  
22 had any regular discussions with, regular  
23 communications?

24 A. Members?

25 Q. Other members like yourself, yes?

1 J. Lane

2 A. I don't generally ask people what  
3 their memberships of -- you know, what  
4 memberships they have, so I don't know.

5 Q. Have you attended any events held  
6 by these organizations that you just  
7 mentioned; membership events, for example?

8 A. I have attended annual meetings  
9 of the Westchester group. I think that is  
10 it, yeah.

11 Q. Have you spoken at any of these  
12 meetings the Westchester County group?

13 I am sorry. Were you a speaker?

14 A. No.

15 Q. All right. Again, I don't want  
16 to know about any attorney-client  
17 communications, but did you approach the  
18 Firearms Policy Coalition about bringing this  
19 lawsuit?

20 A. Yes.

21 Q. And again, without divulging any  
22 privileged communications, do you know who  
23 you approached?

24 A. I think my initial contact was  
25 with Cody.

1 J. Lane

2 Q. Cody, is it Wisniewski?

3 A. You have to ask him.

4 Q. I just might.

5 And did you know -- we will call  
6 him Cody.

7 Did you know him before you  
8 decided to file this lawsuit?

9 A. No, I did not.

10 Q. Were you introduced to Cody?

11 A. Yes.

12 Q. Did someone introduce you to  
13 Cody?

14 A. Someone referred me to Cody.

15 Q. And who was that individual?

16 A. His name was Mark Smith.

17 Q. And is Mark Smith a friend of  
18 yours?

19 A. Yes.

20 Q. Is he a member of this  
21 organization?

22 A. I don't know.

23 Q. And what -- again, if this is not  
24 privileged, is Mark Smith an attorney?

25 A. He is.



1 J. Lane

2 Q. Is he your attorney?

3 A. No.

4 Q. And what -- if you recall, what  
5 did Mark Smith say to you about approaching  
6 Cody?

7 A. Although he is not my attorney --  
8 actually, I don't think he and I spoke about  
9 it. I think he just suggested that Cody and  
10 I speak.

11 Q. And approximately, was this  
12 within the past two years?

13 A. It was right before the lawsuit  
14 was brought, I believe.

15 Q. So that would have been late last  
16 year; is that correct?

17 A. Late -- when did we file,  
18 December 2023?

19 MR. ROTSKO: Late 2022, is when  
20 the action was filed.

21 Q. My apologies. This lawsuit is  
22 longer than I thought it was.

23 A. Right. Same here.

24 Q. My apologies.

25 Did you speak to Cody on the

1 J. Lane

2 phone --

3 MR. ROTSKO: Objection.

4 Q. -- or was it in person?

5 MR. ROTSKO: Objection. There is  
6 no reason to ask how Mr. Lane talked  
7 with his attorney.

8 Q. All right. Was anyone else  
9 present when you spoke to -- again, without  
10 getting into the substance of the  
11 communications, how many times did you speak  
12 to Cody?

13 MR. ROTSKO: Objection. Asking  
14 for the number of times Mr. Lane spoke  
15 with his attorney is privileged.

16 MR. RUBINSTEIN: I don't think  
17 that is privileged, but we can leave  
18 that open.

19 MR. ROTSKO: Yeah.

20 Q. How about the Second Amendment  
21 Foundation? Did you approach -- again,  
22 without getting into the substance of  
23 attorney-client communications, did you  
24 approach anyone at the Second Amendment  
25 Foundation about this lawsuit?

1 J. Lane

2 A. No. I think they -- it is a  
3 team, so just like I am sure you do in your  
4 office, people work together. They don't  
5 necessarily talk to all the same people.

6 Q. Do you recall the names of  
7 individuals at the Second Amendment  
8 Foundation that you have spoken to about this  
9 lawsuit, again, without going into the  
10 substance for now of the communications?

11 A. I think Adam Kraut is the only  
12 one I have spoken to.

13 Q. Is he one of the two individuals  
14 who you mentioned who is named in the  
15 complaint that you filed?

16 A. I believe so.

17 Q. Before filing this lawsuit -- and  
18 I don't want to know any privileged  
19 communications -- do you recall having any  
20 discussions with anyone else about filing  
21 this lawsuit, without going into the  
22 substance of any privileged communications?

23 A. My wife.

24 Q. Besides your wife, anyone else?

25 A. My children.

1 J. Lane

2 Q. Besides your wife and children,  
3 anyone else?

4 A. No.

5 Q. Take a step back.  
6 Does your wife possess any  
7 firearms?

8 MR. ROTSKO: Objection,  
9 irrelevant to Mr. Lane's standing to  
10 bring this action.

11 A. She does not.

12 Q. And same question for your  
13 children?

14 MR. ROTSKO: Same objection.

15 Q. If you know?

16 A. They do not.

17 Q. Do your wife or children ever go  
18 with you when you go hunting, for example?

19 MR. ROTSKO: Objection.

20 Mr. Lane's family's hunting  
21 activities are irrelevant to this case.

22 A. My son goes hunting with me.

23 Q. Do you know Mr. Sears, the other  
24 plaintiff in this lawsuit?

25 A. I know who he is.

1 J. Lane

2 Q. Have you ever met Mr. Sears?

3 A. No.

4 Q. Have you ever spoken to

5 Mr. Sears?

6 MR. ROTSKO: Objection, calls for  
7 work product.

8 Q. Okay.

9 A. We have been on the phone at the  
10 same time, but I haven't generally spoken  
11 with him.

12 Q. Besides the organizations that  
13 you have mentioned, did you speak to any  
14 other organizations about filing this  
15 lawsuit?

16 A. No.

17 Q. Did you speak -- besides  
18 Mr. Sears, have you spoken to any other  
19 individuals about potentially serving as  
20 plaintiffs in this lawsuit?

21 A. No.

22 MR. RUBINSTEIN: So I think we  
23 can now mark the first exhibit. I think  
24 we can mark this as James Exhibit A.

25 (Whereupon, a document was marked

1 J. Lane

2 as James Exhibit A for identification,  
3 as of this date.)

4 Q. Mr. Lane, I am handing you an  
5 exhibit marked as James Exhibit A.

6 MR. RUBINSTEIN: And for the  
7 record, it is a three-page document. It  
8 is was filed on the docket on June 15,  
9 2023 as document number 44. The title  
10 is Declaration of John Mark Lane in  
11 Motion to Dismiss.

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. And what is this document?

15 A. It is the declaration of John  
16 Mark Lane in opposition to motion to dismiss.

17 Q. If you can turn to the last page,  
18 is that your signature, Mr. Lane?

19 A. It is.

20 Q. I will turn your attention to  
21 page one to paragraph four of this  
22 declaration. Do you see that?

23 A. Yes.

24 Q. If you can read that sentence to  
25 yourself, just that one, paragraph 4.

1 J. Lane

2 A. Yes, I have read it.

3 Q. It says the Springfield Armory  
4 Saint rifle is a semiautomatic firearm that  
5 can accept a detachable magazine and has  
6 several ergonomic and safety features such as  
7 a telescoping stock, a pistol grip and a  
8 muzzle device. It is a small caliber weapon,  
9 chambered for the 5.56 time 45 millimeter  
10 NATO cartridge.

11 Is this the same weapon, the same  
12 rifle that you mentioned earlier in your  
13 testimony?

14 A. Well, I mentioned quite a few.

15 Q. You mentioned -- your referred to  
16 Springfield earlier.

17 Is this the same firearm that you  
18 mentioned earlier?

19 A. It is, yes.

20 Q. Why do you intend to purchase  
21 this rifle, in particular?

22 A. Well, I like the design. It is a  
23 good old American company.

24 I bet you don't know, the  
25 Springfield Armory was created by George

1 J. Lane

2 Washington.

3 Q. I did not know that.

4 A. And it is good design. It is  
5 good for particularly home defense, sport  
6 shooting, some hunting. Very versatile  
7 weapon.

8 Q. Have you ever fired a Springfield  
9 Armory Saint before?

10 A. I don't think I fired this  
11 particular model.

12 Q. Have you ever held this model  
13 before?

14 A. This particular model, I am not  
15 sure.

16 I have fired a number of AR style  
17 guns, but I don't remember the models of all  
18 of them.

19 Q. What kind of AR style rifles do  
20 you remember?

21 A. Like I said, I don't remember the  
22 models.

23 Q. And who would -- if you were to  
24 purchase this rifle, who would you purchase  
25 it from? Is there a specific seller?



1 J. Lane

2 A. Whoever had the best price.

3 Q. If you were to purchase this  
4 model, would you carry it with you?

5 A. You mean, like everywhere I go?

6 Q. Strike that.

7 Let me put it this way: If you  
8 were to purchase this rifle, would you put it  
9 in the safe with these other firearms that  
10 you possess?

11 A. I am not sure.

12 It would probably live most of  
13 the time in the safe.

14 If I am keeping it for home  
15 defense, I would probably find another place  
16 to keep it, consistent with whatever the  
17 storage laws are at any given time and place.

18 Q. And if you were to purchase this  
19 rifle, can you think of other locations where  
20 you might carry it?

21 MR. ROTSKO: Objection. This  
22 calls for speculation about far off  
23 events in the future.

24 A. I might carry it hunting, if I  
25 felt like it, and it was legal to use for the

1 J. Lane

2 kind of hunting and places that I was.

3 Q. All right. Now you mentioned in  
4 paragraph four, detachable magazine.

5 What would be the purpose of the  
6 detachable magazine for the Springfield  
7 Armory Saint model?

8 A. That is just the way the gun is  
9 designed.

10 Q. So it is designed -- are you  
11 familiar with the fixed magazine, Mr. Lane?

12 A. Yes.

13 Q. And what is your personal  
14 understanding of a fixed magazine?

15 A. It is not detachable.

16 Q. Have you ever used a firearm or  
17 rifle -- excuse me.

18 Have you used a rifle with the  
19 affixed magazine before?

20 A. Well, I guess it depends on how  
21 you define that.

22 I mean, the several bolt action  
23 rifles that I have, have what I would call  
24 internal magazines. It is a little bit  
25 different from what you are probably

1 J. Lane

2 referring to.

3 I mean, I guess you would have to  
4 be a little more specific.

5 Q. Well, these other firearms that  
6 you have used -- that you possess, excuse  
7 me -- do any of them -- have you used a --  
8 when you fired them, have you used a fixed  
9 magazine for any of these firearms?

10 MR. ROTSKO: Objection.

11 Just to clear, Mr. Lane testified  
12 he didn't possess any firearms, as  
13 defined under the penal law.

14 Q. Just any guns that you possess,  
15 have you used a fixed magazine for any of the  
16 guns that you possess, just in general?

17 A. Like I said --

18 Q. Maybe I misunderstood. My  
19 apologies.

20 A. I guess it depends on what you  
21 mean by fixed magazine.

22 Q. What is your personal  
23 understanding of a fixed magazine?

24 You might have answered this  
25 already.

1 J. Lane

2 A. I think it is kind of a vague  
3 term to me.

4 It simply means a magazine that  
5 is not removable.

6 Q. Do you prefer a detachable  
7 magazine to a fixed magazine?

8 A. Yes, I do.

9 Q. Why would you prefer a detachable  
10 magazine over a fixed magazine?

11 A. There a number of reasons.

12 One, you can have different kinds  
13 of ammo and magazines, and swap them out for  
14 different purposes.

15 If the spring goes bad, or  
16 something breaks in the magazine, it is easy  
17 to just take it out and put another one in.  
18 It is more reliable.

19 Q. And what is the basis for your  
20 understanding?

21 In other words, in terms of your  
22 testimony now, is that based on research that  
23 you conducted, or based on your past  
24 experience?

25 A. Just based on my general

1 J. Lane

2 knowledge of many years of shooting rifles.

3 Q. I am sorry. Take a step back.

4 When you go hunting, how many  
5 rounds would you fire at one time, generally  
6 speaking?

7 A. Hopefully, just one.

8 Q. Fair. But if it is more than  
9 one, how many rounds would you fire?

10 A. Honestly, I never fire more than  
11 one.

12 I would think two. I think once,  
13 my son fired a second round, when he shot a  
14 deer and it was running away.

15 Q. Would you be able to fully defend  
16 yourself and your family with a fixed  
17 magazine?

18 A. I wouldn't be as comfortable with  
19 that.

20 Q. Can you explain what you mean,  
21 you would not be as comfortable?

22 A. I refer back to what I said a few  
23 minutes ago.

24 A magazine can malfunction or  
25 break or wear out. I would just be much more

1 J. Lane

2 comfortable to be able to swap it out, if I  
3 needed to.

4 Q. If you know, could you defend  
5 yourself and your family using a fixed  
6 magazine?

7 MR. ROTSKO: Objection. It calls  
8 for --

9 MR. RUBINSTEIN: Please.

10 MR. ROTSKO: Objection, calls for  
11 speculation.

12 A. I mean, I guess I could defend my  
13 family with a kitchen knife, if I had to, but  
14 I would rather not.

15 Q. So could you defend yourself and  
16 your family using a fixed magazine?

17 MR. ROTSKO: Same objection.

18 A. I don't know.

19 I mean, I would try with whatever  
20 I had, whatever tool I had, if I needed to.

21 Q. If you know, Mr. Lane, is a  
22 detachable magazine necessary to fire a  
23 Springfield Armory Saint rifle?

24 A. Well, I am not a gunsmith, but  
25 that is the way the gun is made.

1 J. Lane

2 You would have to have a  
3 magazine, and it is made to have a detachable  
4 magazine.

5 Q. Do you know if it could be -- if  
6 the Springfield Armory Saint could be  
7 modified to accept a fixed magazine?

8 A. I don't know.

9 Q. In paragraph four, Mr. Lane, you  
10 also mentioned these three ergonomic and  
11 safety features: A telescoping stock, the  
12 pistol grip and the muzzle device, on pages 1  
13 and 2.

14 What is a telescoping stock?  
15 What is your personal understanding of a  
16 telescoping stock?

17 A. It is a stock that can be  
18 adjusted in and out, to change the length of  
19 the stock.

20 Q. And why would you want to use a  
21 telescoping stock for this Springfield Armory  
22 Saint rifle?

23 A. Well, in close quarters, a  
24 shorter rifle is easier to handle.

25 Yet if you are at a gun range,

1 J. Lane

2 target shooting or something, you know, you  
3 might want to pull it out to full length.

4 Q. Have you ever used a telescoping  
5 stock before?

6 A. Probably, yes.

7 Q. Can you recall any specific  
8 occasions where you have used a telescoping  
9 stock?

10 A. I can.

11 I said I grew up at the gun  
12 range.

13 Q. And same question that I had  
14 before: Is the telescoping stock necessary  
15 to fire a Springfield Armory Saint rifle?

16 A. Well, that is what it comes with.  
17 I wouldn't want to fire it  
18 without a stock.

19 If you are asking me, could some  
20 other design be made, I assume it could be.

21 There are many different designs  
22 out there, but this is the one that I would  
23 like to purchase.

24 Q. Is it your understanding, the  
25 telescoping stock comes with the firearm,



1 J. Lane

2 with the rifle?

3 A. That is my understanding, yes.

4 Q. Is the telescoping stock  
5 necessary for self defense?

6 A. It is better.

7 Q. Can you explain what you mean, it  
8 is better?

9 A. I said a few minutes ago, this is  
10 a carbine size rifle. It is small. It is  
11 lightweight. And the way the stock is  
12 designed helps it to be small and  
13 lightweight, easy and maneuverable.

14 Q. My question is a little  
15 different, though.

16 My question was: Is it necessary  
17 to have a telescoping stock to use the  
18 Springfield Armory Saint for self defense?  
19 Not so much preferable, but necessary?

20 A. I am not even sure I understand  
21 the question.

22 That is the way the gun is made.  
23 It has a telescoping stock.

24 Could you shoot it without the  
25 stock? I guess.

1 J. Lane

2 I wouldn't think that I would  
3 want to.

4 Q. Do you foresee being in a  
5 situation where you would need to use a  
6 telescoping stock for self defense?

7 A. I hope not.

8 Q. Have you thought about a  
9 situation where you would need to use a  
10 telescoping stock with this rifle for self  
11 defense?

12 A. It is kind of the same answer I  
13 gave earlier, that, yes, of course, I think  
14 situations where I might need to defend  
15 myself or my family, and I sort of envision  
16 what that might look like.

17 But I hope it never happens; but,  
18 you know, yes, I thought about it.

19 Q. And you also mentioned that it is  
20 a small caliber weapon chambered for the 5.56  
21 times 45 millimeter NATO cartridge.

22 Just for the record -- I actually  
23 know this backwards and forwards -- what is  
24 your understanding of a caliber?

25 A. It is the way you measure the

1 J. Lane

2 width of the bullet.

3 Q. And what is the significance of a  
4 small caliber, in particular?

5 A. Well, small -- the term small  
6 caliber, I think usually is used to refer to  
7 a weapon that the bullet is less than a  
8 quarter inch in diameter.

9 So a 22, for example, is a small  
10 caliber weapon. A 1-77 --

11 Those numbers are measurements  
12 from -- based on the Imperial system.

13 The 5-56 is a metric measurement,  
14 obviously, but that is essentially the same  
15 as what they call a 2-23, point 223, which is  
16 again, that is the Imperial system. It is  
17 less than a quarter inch in diameter bullet.

18 Q. And what is a NATO cartridge?

19 A. I think that simply refers to the  
20 fact that this is the cartridge of choice for  
21 the NATO military forces.

22 Q. So it is your understanding, it  
23 is used by the military?

24 A. That is my understanding, yes.

25 Q. Is the Springfield Armory Saint

1 J. Lane

2 considered an AR-15?

3 A. I don't really know what an AR-15  
4 is.

5 It is an AR style platform, yes.

6 Q. What is your understanding of an  
7 AR style platform?

8 A. A gun that looks like the Saint.

9 It has a pistol grip, usually a  
10 folding or telescoping stock, flip up sights,  
11 detachable magazine. Sometimes it will have  
12 a muzzle device. It is a style of rifle.

13 Q. And that is the platform that you  
14 just testified about?

15 A. Yes.

16 Q. Mr. Lane, is the AR-15 a military  
17 style rifle?

18 A. I am really not sure what that  
19 means, military style rifle.

20 There is a history of the  
21 development of the AR platform. I think it  
22 stands for ArmaLite rifle.

23 And I think it was original -- I  
24 am not sure, but I think it was originally  
25 developed for military use.

1 J. Lane

2 Q. What is the basis of your  
3 understanding that it was originally  
4 developed for --

5 A. Just read stuff.

6 Q. Are you familiar with an M-16  
7 rifle?

8 A. I know what an M-16 is, yes.

9 Q. Based on your understanding, is  
10 an AR-15, or is a rifle with an AR platform  
11 that you just testified about, is that  
12 different than an M-16 rifle?

13 A. I think so, yes.

14 Q. How is it different than an M-16?

15 A. You know, you have to get a  
16 gunsmith to explain all that to you. I am  
17 not really qualified to get into the  
18 technical details.

19 Q. Just your personal understanding.  
20 To the extent I understand your point, just  
21 your personal understanding?

22 A. If I remember correctly, the M-16  
23 is more of a traditional style rifle.

24 Q. Can you explain?

25 A. It is a long rifle.

1 J. Lane

2 Q. Compared to one with an AR  
3 platform?

4 A. It would be more like a carbine  
5 style rifle, yes.

6 Although you can probably get an  
7 M-16 in carbine, so I don't know.

8 Q. If you can look at paragraph 5.

9 I have determined that this model  
10 rifle best fits my needs to defend myself and  
11 my loved ones, if necessary, as well as for  
12 other lawful purposes.

13 You might have testified about  
14 this before, but why does this particular  
15 model best fit your needs to defend yourself  
16 and your loved ones?

17 A. You know, I don't want to be  
18 uncooperative or anything. I answered that  
19 question several times, I think.

20 Q. Okay. I think my previous  
21 understanding was that you just liked this  
22 model in particular.

23 You used the word best. That is  
24 the word that I am focusing on, in paragraph  
25 5, best fits your needs. My understanding is

1 J. Lane

2 compared to other models, this is better than  
3 other models?

4 A. Well, there are other guns that  
5 would probably fit my needs, other AR style  
6 rifles.

7 But like I said, I like the  
8 Springfield company, and that is the one that  
9 I would like to own.

10 Q. And that is why it best fits your  
11 needs?

12 A. That is one of the reasons.

13 I mean, as I said, the design,  
14 the weight. It is very lightweight. It is  
15 small. Adjustable length stock, detachable  
16 magazine, pistol grip, is very handy for  
17 controlling it in close space.

18 Q. Sorry. Going back to the pistol  
19 grip.

20 So okay. Is there any other  
21 reason why you want to use a pistol grip?

22 A. You use a pistol grip to give you  
23 more control.

24 Q. Okay. Have you used a pistol  
25 grip before with other guns that you owned?

1 J. Lane

2 A. Not guns that I own.

3 Q. But you have used a pistol grip  
4 before?

5 A. Yes.

6 Q. And for which -- on what  
7 occasions did you use a pistol grip?

8 A. Like I said, I grew up at the gun  
9 range in a state where these guns are legal.  
10 I fired them many times.

11 Q. And as with the telescoping  
12 stock, does it come with the model, the  
13 Springfield Armory Saint?

14 A. I am sorry, what?

15 Q. Strike that.

16 Let me put it this way: Is the  
17 pistol grip necessary to fire the Springfield  
18 Armory Saint?

19 A. Probably not, no.

20 Q. Would the pistol grip be  
21 necessary to use this Springfield Armory  
22 Saint for self defense, or defense of your  
23 family?

24 A. It would make it much better.

25 Q. How would it make it much better?



1 J. Lane

2 A. Like I said, it increases your  
3 ability to control the gun.

4 Q. But would it be necessary to use  
5 this model?

6 A. I think I already answered that.

7 Q. And I guess a muzzle device, what  
8 is your understanding of a muzzle device?

9 A. Well, there are different kinds  
10 of muzzle devices.

11 The most common would be  
12 something that would reduce the sound of the  
13 gun, sometimes called a suppressor.

14 Q. Have you ever used a muzzle  
15 device or suppressor, however you want to  
16 phrase it? Have you ever used one?

17 A. I fired guns that had them.

18 Q. Again, is that earlier in your  
19 youth in North Carolina, or other situations?

20 A. Like I said, I am not a youth  
21 anymore, and I visit my family fairly often,  
22 so it would be, you know, in my old age, as  
23 well.

24 Q. Fair.

25 Would this muzzle device, or

1 J. Lane

2 suppressor as you call it, would it be  
3 necessary to fire -- it is necessary to fire  
4 the Springfield Armory Saint?

5 A. Nope.

6 Q. All right. And would it be  
7 necessary to use a muzzle device or  
8 suppressor for defense of yourself or your  
9 loved ones?

10 A. No. It makes the gun a little  
11 safer by reducing the sound, the decibel  
12 level that you are subjected to when you fire  
13 it.

14 Q. Are you familiar with a sound  
15 silencer?

16 A. I know the term, yes.

17 Q. And just for our understanding,  
18 is there a difference between a suppressor,  
19 as you described it, and a sound silencer?

20 A. There are different types of  
21 suppressors, but I think many people use the  
22 term silencer, when they are really referring  
23 to a suppressor.

24 Q. And, if you know, Mr. Lane, can  
25 you describe how the suppressor would be

1 J. Lane

2 attached to the Springfield Armory Saint?

3 A. Well, I believe there is a  
4 threaded section on the front of the barrel,  
5 and they are typically threaded on.

6 Q. Okay. I just want to go back to  
7 paragraph 5.

8 Going back to your testimony  
9 about the Springfield Armory Saint being the  
10 rifle that best fits your needs to defend  
11 yourself and your loved ones, do you recall  
12 when you made this determination?

13 A. I think I wanted one for a long  
14 time.

15 I mean, I have a couple of other  
16 Springfield rifles that I just really like.

17 Q. And do you recall -- I am sorry.  
18 Were those -- I believe those were earlier in  
19 your testimony, the Springfield models that  
20 you testified about?

21 A. I don't remember. I don't  
22 remember whether I mentioned -- what I  
23 mentioned earlier.

24 Q. That is fair.

25 Do you recall the other models

1 J. Lane

2 made by Springfield that you possess?

3 A. Well, I have Springfield, it is  
4 called an 03-A3. It is a Springfield  
5 1903-A3, which is a military rifle, made, I  
6 think, in the 1940s, chambered in 30-06. And  
7 it has action like butter.

8 Q. Yeah, I am just looking earlier.  
9 I don't believe it was in the list.

10 I appreciate you mentioning that.

11 When did you purchase that  
12 Springfield 03-A3 model?

13 A. I think it would have been 2018.

14 Q. And do you recall why you decided  
15 to purchase this Springfield 03-A3 model?

16 A. Well, I saw it on the rack of a  
17 gun store, and the owner showed it to me, and  
18 I liked it a lot.

19 Q. Have you ever fired this  
20 Springfield 03-A3 model?

21 A. Yes.

22 Q. On how many occasions?

23 A. Oh, I don't know. Dozen or so,  
24 maybe.

25 Q. And where have you fired this

1 J. Lane

2 other Springfield 03-A3 model?

3 A. I fired it at both of the outdoor  
4 ranges that I mentioned before, Blue Hill and  
5 Blue Mountain, whatever they are.

6 Q. Is this currently maintained in  
7 your safe, Mr. Lane?

8 A. It is, yes.

9 Q. This 03-A3 model, is it also  
10 affixed with these ergonomic and safety  
11 features that you just testified about?

12 A. No. It is a very traditional  
13 straight, long gun.

14 Q. And would you use this  
15 Springfield 03-A3 model for self defense and  
16 defense of your loved ones?

17 A. If I had to, but I would rather  
18 not.

19 Q. And besides the Springfield  
20 03-A3, do you own other models made by  
21 Springfield?

22 MR. ROTSKO: Objection.

23 Mr. Lane's collection of firearms  
24 is irrelevant to his standing to bring  
25 this action.

1 J. Lane

2 A. I honestly can't remember, off  
3 the top of my head.

4 Q. Okay. And when you made the  
5 determination that you wanted to purchase the  
6 Springfield Armory Saint, other than  
7 attorneys, did you speak to anyone else, in  
8 making this determination?

9 A. No.

10 Q. Mr. Lane, how did you find out  
11 about these specific Springfield models? I  
12 believe you mentioned you went to the gun  
13 store for the 03-A3.

14 For these other models made by  
15 Springfield, did you hear about them through  
16 another way?

17 A. Well, I mean, they have a  
18 website. You can look at them on the  
19 website.

20 Q. By looking at the website, did  
21 you find these to your liking, these models?

22 A. Yes.

23 Q. Did you conduct any other  
24 research besides the Springfield website?  
25 Did you look at any other website?

1 J. Lane

2 A. I am sure I Googled the model  
3 number and found people who were selling it,  
4 and things about it.

5 Yeah, I did some research.

6 Q. Mr. Lane, going back to the  
7 Springfield Armory model that you wish to  
8 purchase, can you explain how you would use  
9 this model to defend yourself in a home?

10 A. I would point it at an intruder  
11 and shoot.

12 Q. So you would use this inside the  
13 home, Mr. Lane?

14 A. If I had to.

15 Q. And would you use this model  
16 outside the home, for purposes of self  
17 defense?

18 MR. ROTSKO: Objection.

19 I believe you asked that earlier  
20 today.

21 A. You did.

22 Q. And I apologize if I did.

23 You can answer again.

24 A. If I was carrying it lawfully  
25 somewhere, and it became necessary, I

1 J. Lane

2 suppose.

3 I never really thought of -- I  
4 hope such a scenario would never develop.

5 If I needed to defend myself or  
6 my family anywhere, I would do whatever it  
7 took to do so.

8 Q. Now, Mr. Lane, this Springfield  
9 Armory Saint, would it be more effective for  
10 use in self defense than the O3-A3 rifle you  
11 possess?

12 A. Yes.

13 Q. How would it be more effective?

14 A. It is a smaller, lighter, more  
15 maneuverable, adjustable length, has a pistol  
16 grip, and it is a semiautomatic rifle.

17 Q. Same question for the Ruger rifle  
18 that you mentioned.

19 Would the Springfield Armory  
20 Saint be more effective than the Ruger model  
21 for self defense?

22 A. Much more.

23 Q. For the same reasons that you  
24 provided, or for different reasons?

25 A. For the additional reason that



1 J. Lane

2 the Ruger is a 22 caliber rifle, and the 22  
3 caliber rifles are not generally considered  
4 good self defense weapons.

5 Q. Why are this not considered good  
6 self defense weapons?

7 A. It is a very light round. You  
8 can probably take four or five of them and  
9 walk away.

10 Q. Can you explain what you mean by  
11 that?

12 A. You shoot someone with the 22  
13 they, are probably not going to go down,  
14 unless it is perfect hit to the heart or  
15 something. And even then, it is going to be  
16 slow.

17 It is not a self defense weapon.

18 Q. What is the basis for your  
19 understanding?

20 A. Just my general knowledge of  
21 guns.

22 Q. Going back to the Springfield  
23 Armory Saint, do you know anyone who uses  
24 this particular model inside the home?

25 A. I don't know.

1 J. Lane

2 Q. Have you -- other than your  
3 attorneys, have you had any discussions with  
4 anyone about using this model inside the home  
5 for self defense?

6 A. I have not.

7 Q. And again, I think you might have  
8 answered this before.

9 In the last portion of paragraph  
10 5 you mentioned other lawful purposes.

11 Does that refer to what you  
12 testified about today, or anything besides  
13 that?

14 A. No, just what I have said:  
15 Target shooting and potentially hunting.

16 Q. And how would -- why does the  
17 Springfield Armory Saint best fit your needs  
18 for target shooting?

19 A. I didn't -- I don't think I ever  
20 said it is the best gun for target shooting.

21 If you wanted to ask me about  
22 that, I would probably point you to my  
23 Anschutz olympic rifle.

24 Q. That would be better for target  
25 shooting?

1 J. Lane

2 A. For competitive shooting, it  
3 would be better, yes.

4 Q. And why would it be -- I am  
5 sorry. Can you spell that?

6 A. A-N-S-C-H-U-T-Z, Anschutz.

7 It is a German made gun that is  
8 made specifically for competitive use.

9 Q. Okay. And how about hunting?  
10 For hunting, would this model,  
11 this Springfield Armory Saint, be preferable  
12 to other guns that you own for hunting?

13 A. In some respects, depending on  
14 where you are hunting and what you are  
15 hunting, yes.

16 Like I said, it is a very  
17 lightweight, easily maneuvered small rifle.

18 So if you are hunting elk in  
19 Minnesota, it probably wouldn't be your first  
20 choice.

21 But most deer hunting in the  
22 state of New York is done at fairly close  
23 range, and it would be very good in tight,  
24 wooded quarters. It would be a very good gun  
25 for that.

1 J. Lane

2 Q. You might have mentioned this.

3 When you have gone hunting within  
4 the past ten years, is there a model that you  
5 preferred, in particular?

6 A. I usually use my Remington 700.

7 Q. And why do you prefer to use --  
8 why do you usually use the Remington 700 for  
9 hunting?

10 A. It is a gun that I have that I  
11 can legally use. It is a good rifle.

12 Q. If I could turn your attention,  
13 Mr. Lane, to paragraph 6, you write that I  
14 have not been able to purchase or possess  
15 this rifle because I am a law abiding  
16 citizen. Purchasing and possessing a  
17 Springfield Armory Saint is outlawed by  
18 New York penal law.

19 And why do you believe that this  
20 particular model Springfield Armory Saint is  
21 outlawed by the New York penal law?

22 A. Well, I can read. It is.

23 Q. And can you explain why?

24 A. Why? Because the people who  
25 write the laws don't know what they are

1 J. Lane

2 doing.

3 Q. My question is: What are the  
4 features -- what are the features in the  
5 Springfield Armory Saint that make it  
6 unlawful under this statute?

7 A. It is my understanding that any  
8 semiautomatic rifle that has either a  
9 telescoping or folding stock, pistol grip,  
10 muzzle device, and probably some other  
11 features, is considered illegal, is illegal  
12 under penal law.

13 And it has those features, so  
14 that means it is illegal, under the penal  
15 law.

16 Q. Other than your attorneys, have  
17 you spoken to anyone else about the  
18 Springfield Armory Saint being illegal for  
19 these reasons?

20 In other words, have you had any  
21 discussion with anyone else besides your  
22 attorneys about the Springfield Armory Saint  
23 being illegal?

24 MR. ROTSKO: Objection.

25 Mr. Lane's conversations with

1 J. Lane

2 others don't have anything to do with  
3 the legality or illegality of the  
4 particular firearm.

5 A. I don't think I have. I can't  
6 recall any.

7 Q. Do you know whether this model,  
8 this Springfield Armory Saint, can be  
9 modified to comply with this New York Law  
10 mentioned in paragraph 6 of your declaration?

11 A. I don't know.

12 Q. Have you ever looked into  
13 whether -- have you ever conducted any  
14 research as to whether the model can be  
15 modified to comply with this New York penal  
16 law provision?

17 A. I haven't, but I think it would  
18 require eliminating the things that make it  
19 an ideal rifle for my purpose.

20 Q. And what are those things?

21 A. The things we have been talking  
22 about: The telescoping stock, the pistol  
23 grip, the muzzle device.

24 Q. Also the detachable magazine?

25 A. Well, the detachable magazine,

1 J. Lane

2 right.

3 It is part of the semiautomatic  
4 definition, I believe, under that statute; so  
5 yes, that would probably also have to be  
6 modified.

7 I don't really know. I am not a  
8 gunsmith, so I don't know exactly what is  
9 done to make them compliant.

10 Q. Do you know anyone who possesses  
11 a -- do you know anyone else who possesses a  
12 semiautomatic rifle, whether it is the  
13 Springfield Armory Saint or another model,  
14 that has been modified to comply with  
15 New York Law?

16 A. I don't know.

17 Q. If you look at paragraph 7, it  
18 says, I would have purchased this rifle  
19 already, as it is my right to do so as a U.S.  
20 citizen, but for the firearms ban making  
21 purchase in New York a criminal offense and a  
22 practical impossibility. In my experience,  
23 New York licensed firearms dealers do not  
24 stock or sell non-New York compliant AR-15  
25 variants such as the Springfield Armory

1 J. Lane

2 Saint.

3 How do you know that? What is  
4 the basis of your knowledge that it is a  
5 practical impossibility, as you put it, to  
6 purchase this particular model?

7 A. Well, I mean, I have been in  
8 quite a few gun stores over the years. I see  
9 them hanging on the wall in gun stores in  
10 other states. I don't see them in New York.

11 Q. Have you ever spoken to any  
12 firearms seller in the State of New York  
13 about purchasing this model?

14 A. No.

15 Q. Have you ever spoken to anyone  
16 else besides a firearm seller in New York  
17 about purchasing this model?

18 A. No.

19 I don't even know what you mean,  
20 spoken to anyone.

21 Asking someone to sell me this  
22 gun in New York would be asking them to  
23 commit a crime.

24 Q. Well, let me put it this way --  
25 strike that.



1 J. Lane

2 Have you ever spoken to anyone --  
3 besides your attorneys, have you spoken to  
4 anyone about this -- about it being a  
5 practical impossibility to purchase this  
6 rifle?

7 A. You know, I don't want to make  
8 more of it than I should, but I am a lawyer.  
9 I know that it is a practical impossibility,  
10 because it is an illegal gun under New York  
11 law.

12 It shouldn't be, but it is.

13 Q. But your testimony, you have not  
14 spoken to anyone about this model being a  
15 practical impossibility, as you put it, to  
16 purchase?

17 A. I don't recall doing so.

18 Q. Do you know whether this  
19 particular model, the Springfield Armory  
20 Saint, was ever produced in the State of  
21 New York -- strike that.

22 Do you know whether this model  
23 was available for purchase in the State of  
24 New York, the Springfield Armory Saint?

25 A. I don't know.

1 J. Lane

2 Q. Do you know anyone residing in  
3 the State of New York who possesses this  
4 particular model, this Springfield Armory  
5 Saint?

6 A. No. I mean, I don't know -- I  
7 don't know whether -- I don't know what  
8 everyone I know possesses, but I am not aware  
9 of anyone in the State of New York possessing  
10 one of these, that someone that I know, no.

11 Q. Mr. Lane, do you own property in  
12 any other states?

13 A. No.

14 Q. Do you own any firearms that are  
15 currently located in other states?

16 A. No.

17 Q. Have you ever purchased a gun in  
18 another state besides New York?

19 A. I purchased the Springfield 03A3  
20 in North Carolina.

21 Q. And you might have testified, I  
22 apologize.

23 Do you recall the date that you  
24 purchased it?

25 A. I think it was 2018, but it could

1 J. Lane

2 be 2017.

3 Q. Have you ever purchased an  
4 assault rifle in these other states before?

5 MR. ROTSKO: Objection, asked and  
6 answered.

7 A. No.

8 Q. If I turn your attention,  
9 Mr. Lane, to I guess paragraph 8, it says, I  
10 would also possess a Springfield Armory Saint  
11 rifle if the firearms ban did not make such  
12 possession a felony. I do not want to risk  
13 criminal prosecution, and I know New York  
14 State has a policy of, quote, vigorously,  
15 unquote, enforcing the firearms ban. The  
16 state has prosecuted others who possessed  
17 AR-15 variants such as the one I prefer to  
18 buy. If it was not for the firearms ban, I  
19 would legally purchase and possess a  
20 Springfield Armory Saint at the first  
21 opportunity I have.

22 What is the basis for your  
23 understanding that New York has a policy of,  
24 quote, vigorously enforcing the firearm ban?

25 A. I have read things here and

1 J. Lane

2 there, I don't remember exactly what.

3 But I think the State of New York  
4 has made it quite clear that they intend to  
5 enforce their own laws.

6 I think there is even a website  
7 about the Safe Act that is a State website.

8 Q. Have you read this anywhere else  
9 besides the State website?

10 A. Probably.

11 Q. Do you recall the name or names  
12 of these websites?

13 A. No.

14 Are you saying they wouldn't  
15 enforce it?

16 Q. I guess I am going to --  
17 Have you spoken to anyone about  
18 this policy that is mentioned in paragraph 8?

19 A. Have I spoken with anyone about  
20 New York State's policy of enforcing laws?

21 Q. Yes, correct, as you put it in  
22 paragraph 8?

23 A. It is kind of a vague question.

24 Q. Mr. Lane, I am just going by what  
25 you wrote in your declaration.

1 J. Lane

2 A. Have I spoken with anyone about  
3 what I wrote in this paragraph?

4 Q. Yes.

5 A. No, I don't think so.

6 Q. Do you know anyone within the  
7 State of New York who has been prosecuted for  
8 violating the firearms ban, as it has been  
9 put in your declaration?

10 A. Not personally, no.

11 Q. Do you know of anyone, even if  
12 you don't know them personally, who has been  
13 prosecuted for violating this firearms ban?

14 A. People have been.

15 You know, this is public  
16 knowledge.

17 I don't know their names or  
18 anything.

19 Q. Have you conducted research on  
20 individuals that have been prosecuted for  
21 violating this New York penal law?

22 A. Research?

23 Q. Yes.

24 A. I don't think so, no.

25 Q. Turning your attention to

1 J. Lane

2 paragraph 9, it says, my understanding is  
3 New York licensing scheme for semiautomatic  
4 rifles does not apply to the class of  
5 firearms covered by the firearms ban,  
6 including a Springfield Armory Saint rifle.  
7 I also understand that the licensing scheme  
8 is a shall issue and that I meet all the  
9 eligibility criteria.

10 Do you see that?

11 A. Yes.

12 Q. What you mean here by class of  
13 firearms covered by the firearms ban?

14 A. I believe that is what the Safe  
15 Act calls an assault rifle. I think that is  
16 what the class of firearms is that we are  
17 talking about.

18 Q. Are there any semiautomatic  
19 rifles that are covered by the licensing  
20 scheme, as you put it?

21 A. I am sorry. What?

22 Q. Let he phrase it that way.

23 You mentioned a licensing scheme.

24 Are there any assault rifles, or  
25 however you want to phrase it, that are

1 J. Lane

2 covered by this licensing scheme?

3 In other words, you said, it is  
4 my understanding New York licensing scheme  
5 for semiautomatic rifles does not apply to  
6 the class of firearms.

7 Are there semiautomatic rifles  
8 that are covered by New York's licensing  
9 scheme, if you understand the question?

10 MR. ROTSKO: Objection. It calls  
11 for a legal conclusion.

12 A. My understanding is that the new  
13 licensing scheme applies to any semiautomatic  
14 rifle, except an assault rifle, which is not  
15 legal to purchase, under a separate law.

16 You have a licensing requirement  
17 for a gun that is legal to purchase. It  
18 doesn't relate to guns that are not legal to  
19 purchase.

20 Q. Let me put it this way: Are  
21 there any semiautomatic rifles that can be  
22 purchased -- are there any semiautomatic  
23 rifles that can purchased under New York law,  
24 that you know of?

25 MR. ROTSKO: Same objection.

1 J. Lane

2 A. Sure. There is many of them.

3 Q. Do you know any specific models,  
4 in particular, that can be purchased?

5 A. A Ruger 10-22 would be a good  
6 example, yes.

7 Q. Other models that you know of?

8 A. I don't know the model numbers.  
9 That is the only one that I have  
10 that I presently own.

11 Q. You mentioned a shall issue,  
12 Mr. Lane.

13 What is your understanding of a  
14 shall issue?

15 A. Well, I think that I am going to  
16 step in for my lawyer and say that calls for  
17 a legal conclusion, so I object.

18 Q. I am not asking for you legal  
19 understanding; your personal understanding,  
20 Mr. Lane?

21 A. That is kind of hard to separate  
22 the two.

23 But all right.

24 So what was the question?

25 Q. What is your personal



1 J. Lane

2 understanding of a shall issue, this  
3 quotation?

4 A. Right. So my understanding is  
5 there are two different kinds of licensing  
6 schemes in the world.

7 A shall issue jurisdiction is a  
8 jurisdiction in which if you meet the basic  
9 criteria, you can -- they will issue the  
10 license so that you can purchase a firearm, a  
11 gun.

12 And may issue, it leaves the  
13 discretion with the government to decide  
14 whether to issue a license.

15 Q. It says that I meet all the  
16 eligibility criteria.

17 What eligibility criteria are you  
18 referring to?

19 A. I think it is basically the same  
20 as a NICS check. That is my understanding.

21 Q. Paragraph 10 on the last page,  
22 Mr. Lane, it says if in the future I need to  
23 obtain this license in order to acquire a  
24 Springfield Armory Saint, I will apply for  
25 it. Do you see that?

1 J. Lane

2 A. Yes.

3 Q. Under what circumstances would  
4 you apply for a license in the future?

5 MR. ROTSKO: Objection.

6 After the declaration was  
7 submitted, Judge Karras ruled that  
8 Mr. Lane's licensure status and whether  
9 or not he has or will apply for a  
10 license semiautomatic license in the  
11 future is irrelevant to his standing.

12 MR. RUBINSTEIN: Counsel, I  
13 just -- I have been letting it go, but  
14 in terms of the speaking objections, I  
15 just ask --

16 MR. ROTSKO: I was trying to be  
17 succinct.

18 MR. RUBINSTEIN: I don't know if  
19 under Rule 30, that is succinct, but the  
20 witness can answer.

21 A. I am sorry. Can you repeat your  
22 question?

23 Q. Sure. Under paragraph 10 it says  
24 if in the future I need to obtain this  
25 license in order to acquire a Springfield

1 J. Lane

2 Armory Saint, I will apply for it.

3 Under what circumstances would  
4 you apply for this type of license in the  
5 future?

6 A. If the prohibition on purchasing  
7 a gun like the Saint is eliminated, then I  
8 would do so.

9 Q. Do you think you would be  
10 approved for this type of license?

11 A. Yes.

12 Q. What is the basis for your  
13 approval?

14 A. Because I passed many NICS  
15 checks, and I have a federal firearms  
16 license, and I think I meet the criteria.

17 Q. How many NICS checks have you  
18 passed?

19 A. Every gun I have ever purchased.

20 Q. You also write, applying for and  
21 obtaining the license at the present moment,  
22 however, would not help me obtain my  
23 preferred rifle, since the firearms ban would  
24 still prevent me from acquiring or possessing  
25 a Springfield Armory Saint.

1 J. Lane

2 Do you know whether you can  
3 presently apply for license for other types  
4 of semiautomatic rifles?

5 A. Sure.

6 MR. ROTSKO: Objection, asked and  
7 answered.

8 Q. And is that what you testified  
9 regarding paragraph 9, correct?

10 A. I am sorry. What?

11 Q. The licensing scheme that you  
12 referenced for paragraph 9?

13 A. I think you have asked this  
14 question before, but I think what you asked  
15 was, are there semiautomatic rifles that are  
16 currently legal --

17 Q. Yes.

18 A. -- to purchase in the State of  
19 New York?

20 And yes, of course, there are.

21 Q. Now, is there any reason why you  
22 do not intend to apply or purchases these  
23 other types of semiautomatic rifles?

24 A. I have some already, and the only  
25 one that I want, I can't buy.

1 J. Lane

2 MR. RUBINSTEIN: I think we can  
3 mark this next exhibit as B, James  
4 Exhibit B.

5 (Whereupon, a document was marked  
6 as James Exhibit B for identification,  
7 as of this date.)

8 Q. Mr. Lane, I am handing you a  
9 document marked as James Exhibit B.

10 MR. RUBINSTEIN: And for the  
11 record, it is from a website  
12 GunSafety.NY.gov.

13 And I will provide the court  
14 reporter the full URL, so we have it in  
15 the record.

16 Q. If you can look at this version,  
17 Mr. Lane.

18 A. Okay.

19 Q. You can briefly flip through  
20 this.

21 A. I did.

22 Q. Have you seen this website  
23 before, Mr. Lane?

24 A. I am not sure. Probably.

25 Q. Just like to turn your attention

1 J. Lane

2 to the last three pages of this, I guess  
3 third from the last.

4 And if you can see, there are --  
5 on the last three pages, there are five  
6 semiautomatic rifles; semiautomatic rifles,  
7 not assault.

8 MR. RUBINSTEIN: For the record,  
9 it is a Remington 750 Woodmaster, a  
10 Browning LongTrac 300, a Ruger Mini 14,  
11 and a Mossberg 702 and a Ruger 10-22.

12 Q. Are you familiar with these  
13 rifles mentioned here?

14 A. Well, I own several Riverton  
15 10-22s.

16 Q. That is my next question.

17 A. And I don't know that I have  
18 fired any of these other ones, but I know  
19 what they are.

20 Q. Again, besides the Ruger 10-22,  
21 which you testified about already, have you  
22 looked into purchasing these other four  
23 models mentioned here?

24 A. No, I have not.

25 Q. Why have you not looked into

1 J. Lane

2 purchasing these other four models?

3 A. I don't know.

4 I have -- like I said, I have  
5 several Ruger 10-22s, and I don't really feel  
6 that I need any of these particular models.

7 Q. I know you already testified  
8 about the Ruger 10-22.

9 For these other models, could you  
10 use them to defend yourself and your loved  
11 ones?

12 MR. ROTSKO: Calls for  
13 speculation.

14 A. Like I said, Counsel, you could  
15 use a kitchen knife, if you had to, but it  
16 wouldn't be ideal.

17 Q. Ideal compared to Springfield  
18 Armory Saint?

19 A. Correct.

20 Q. Would it also be less than ideal  
21 compared to the Ruger 10-22 that you possess?

22 A. I am sorry?

23 Q. The Ruger 10-22 the model that  
24 you possess -- I believe you mentioned you  
25 possess several -- is that preferable for

1 J. Lane

2 self defense, compared to these other four  
3 models, if you know, that are mentioned here?

4 A. I do not know.

5 The Ruger 10-22, as I said  
6 earlier, is a 22 caliber rifle. It is not a  
7 great self defense rifle.

8 MR. RUBINSTEIN: We can take a  
9 five-minute break.

10 (Whereupon, a short recess was  
11 taken at 12:17 p.m., and testimony  
12 resumed at 12:28 p.m.)

13 Q. Before we go any further,  
14 Mr. Lane, just a few questions?

15 Back on the record.

16 Is there any reason why you do  
17 not currently possess a handgun?

18 A. I just never really had any  
19 interest in handguns, plus, you know, a lot  
20 of trouble to go through to get a permit to  
21 buy one.

22 Q. And why do you not have much  
23 interest in the handgun? Is it because of  
24 trouble to get a permit?

25 A. I mean, that is part of it.



1 J. Lane

2 But it is kind of an aesthetic  
3 thing. I just think long guns are -- I don't  
4 know what the right word is. I find them  
5 appealing. And I just have never had the  
6 same interest in handguns.

7 Q. Would a handgun be useful for  
8 self defense for you and your family?

9 MR. ROTSKO: Objection, calls for  
10 speculation.

11 A. It could be, yes.

12 Q. Would it be as effective as  
13 the -- for self defense in the home as the  
14 Springfield Armory Saint?

15 MR. ROTSKO: Same objection.

16 A. There are many different kinds of  
17 handguns, so the question is kind of, you  
18 know, a little too vague.

19 Q. Is there any specific model or  
20 type of handgun that you believe is effective  
21 as a Springfield Armory Saint for self  
22 defense?

23 A. I really don't know different  
24 models of handguns.

25 Q. And that goes to your testimony

1 J. Lane

2 from now, in terms of aesthetic preference,  
3 right?

4 A. As far as self defense, I mean, I  
5 just think that the Saint is a very good  
6 option for that.

7 Would a handgun work? It might  
8 depend on the circumstances and the handgun.

9 You know, there is an optics  
10 component to it, as well. If you need to  
11 defend yourself, and the person that you need  
12 to defend yourself sees something that looks  
13 like the Saint, I would hope that they would  
14 think twice.

15 A handgun doesn't have quite that  
16 impact.

17 And I don't know if there are  
18 handguns that shoot the 5-56. There might  
19 be, but it is a very good round for self  
20 defense.

21 MR. RUBINSTEIN: Going to mark  
22 this next exhibit as James Exhibit C.

23 (Whereupon, a document was marked  
24 as Defendant's Exhibit C for  
25 identification, as of this date.)

1 J. Lane

2 Q. Mr. Lane, I am handing you a  
3 document that has been marked as James  
4 Exhibit C.

5 Do you recognize this document?

6 A. I do.

7 Q. And have you reviewed this  
8 document before today -- strike that.

9 What is this document?

10 A. It is the complaint in this  
11 lawsuit.

12 Q. And is this -- are the  
13 allegations in the complaint accurate?

14 A. To the best of my knowledge, yes.

15 Q. Now, Mr. Lane, if I can turn your  
16 attention to paragraph 19, I believe this  
17 would be -- I won't read out the paragraph,  
18 but if you can just read it to yourself.

19 Let me know when you are finished  
20 with paragraph 19.

21 (Witness is perusing the  
22 exhibit.)

23 A. I have read it.

24 Q. There is a reference to a survey,  
25 William English. And for the record, it is

1 J. Lane

2 2021 National Firearms Survey Updated  
3 Analysis Including Types of Firearms Owned.

4 Have you read this survey?

5 A. I have not.

6 Q. Do you know who William English  
7 is?

8 A. Other than apparently the author  
9 of this referenced article, no.

10 Q. Are you an expert in gun  
11 ownership in the United States?

12 A. I don't know really know what  
13 that means.

14 Q. There is a reference here to  
15 ownership. There is a reference to the  
16 number of Americans who own AR-15. Do you  
17 see that?

18 A. I do see that.

19 Q. Are you an expert regarding the  
20 ownership of AR-15s?

21 MR. ROTSKO: Objection.

22 Mr. Lane is here as a fact  
23 witness, not an expert witness.

24 Q. You can answer.

25 A. The only thing I have ever been

1 J. Lane

2 called an expert in was federal trademark  
3 law.

4 So these are kind of common  
5 knowledge kind of things, you know. They  
6 don't relate to me specifically.

7 Q. The next paragraph, paragraph 20,  
8 if you can see that, read that to yourself.

9 There is a reference to a  
10 National Shooting Sports Foundation, Inc.,  
11 Firearms Retailers Survey Report for 2021.  
12 Do you see that?

13 A. I see the reference, yes.

14 Q. Have you read this survey?

15 A. No.

16 Q. Are you familiar with the  
17 National Shooting Sports Foundation,  
18 Mr. Lane?

19 A. I have heard of it.

20 Q. Have you ever spoken to any  
21 individual employed by this organization  
22 before?

23 A. I don't know.

24 Q. I think we can turn to paragraph  
25 29.

1 J. Lane

2 And again, if you can just read  
3 paragraph 29 to yourself, Mr. Lane?

4 Mr. Lane, do you see the second  
5 sentence, where it mentions a report by the  
6 U.S. Department of Justice, Bureau of Justice  
7 Statistics? Do you see that?

8 A. I see the reference.

9 Q. Have you read that report  
10 referenced in paragraph 29?

11 A. I have not.

12 Q. Now if you see, there is a  
13 reference to an article by Gary Kleck and  
14 Marc Gertz titled Armed Resistance to Crime:  
15 The Prevalence and Nature of Self-Defense  
16 with a Gun. Do you see that, Mr. Lane?

17 A. I see the reference.

18 Q. Have you read that article  
19 before?

20 A. No.

21 Q. Do you know who Gary Kleck is?

22 A. No.

23 Q. Do you know who Mark Gertz is?

24 A. Other than the authors of these  
25 pieces, no, I don't know.

1 J. Lane

2 Q. As with paragraph 19, are you an  
3 expert regarding encounters with criminal  
4 intruders in the home?

5 A. I hope never to be expert in that  
6 topic.

7 MR. ROTSKO: Objection.

8 Q. And again, paragraph 33, next  
9 page, there is a reference on the second  
10 sentence to a widely cited 2004 study saying  
11 that these -- quote, these arms are used in a  
12 small fraction of gun crimes, and it  
13 references a report of Christopher Koper,  
14 Updated Assessment of the Federal Assault  
15 Weapons Ban Impacts on Gun Markets and Gun  
16 Violence 1994 to 2003 from the U.S.  
17 Department of Justice.

18 Do you see that, Mr. Lane?

19 A. I see the paragraph, yes.

20 Q. Have you read this report from  
21 2004?

22 A. I have not.

23 Q. Do you know who Mr. Koper is?

24 A. Other than the author of this  
25 article, no.

1 J. Lane

2 Q. And again -- also, once again,  
3 Mr. Kleck. There is a reference to Targeting  
4 Guns, Firearms and Their Control.

5 Do you see that?

6 A. I see that.

7 Q. Have you read Targeting Guns,  
8 Firearms and Their Control before?

9 A. No.

10 Q. There is a hyperlink at the  
11 bottom of this paragraph regarding FBI  
12 statics from 2019 Expanded Homicide Table 8,  
13 Crime in the United States. Do you see that?

14 A. I do.

15 Q. Have you viewed that Table 8  
16 before, Mr. Lane?

17 A. I don't think so, no.

18 Q. Again, are you an expert  
19 regarding the use of so-called assault  
20 weapons, as it is put here in crimes?

21 MR. ROTSKO: Objection.

22 Mr. Lane is not here as an expert  
23 witness.

24 A. I can save you a lot of trouble  
25 by telling you that I am not an expert in



1 J. Lane

2 anything other than the thing that I do for a  
3 living.

4 Q. Okay. Mr. Lane, if you can read  
5 paragraphs 35 to 38 to yourself.

6 (Witness is perusing the  
7 exhibit.)

8 A. Yes, okay.

9 Q. At the beginning of paragraph 35  
10 it says the arms banned as assault weapons  
11 under New York Semiautomatic Firearm Ban are  
12 common in all respects, and then it gives  
13 several pieces.

14 What is the basis for your  
15 understanding that these assault weapons are  
16 common?

17 A. Again, this is common knowledge  
18 stuff. You know, it is not about me  
19 specifically, and my desire to purchase a  
20 particular gun.

21 However, all you gotta do is go  
22 to any range, in almost any state in the  
23 country, or any gun shop in almost any state  
24 in the country, and you will see plenty of  
25 these guns.

1 J. Lane

2 Q. Do you know if these types of  
3 guns are in common use?

4 A. I believe they are.

5 Q. What is the basis for your  
6 belief?

7 A. I have seen them in common use.

8 Q. Where have you seen them?

9 A. I just told you.

10 Q. In gun ranges across the country?

11 A. Well, not across the country, but  
12 in other states.

13 Q. Are they in common use for lawful  
14 purpose?

15 A. As far as I know, yes.

16 Q. What is the basis for your  
17 knowledge?

18 A. Simply a general awareness of the  
19 laws in other states, and having seen them  
20 used in other states.

21 Q. Are these guns in common use for  
22 lawful purposes in the State of New York?

23 A. Isn't that kind of a ridiculous  
24 question?

25 I mean, we are litigating the

1 J. Lane

2 fact that you can't buy them in the State of  
3 New York, so I don't think so.

4 Q. Have you spoken to anyone --  
5 well, you mentioned when you have seen in  
6 other states.

7 Have you spoken to anyone about  
8 these weapons being in common use?

9 A. You know, it is not really  
10 something that comes up, other than places  
11 where you can't buy them.

12 Q. Okay. If I can turn your  
13 attention back to paragraph 14, it would be  
14 on page 5 -- I am sorry, page 4.

15 A. Page 4 of the complaint?

16 Q. Yes, Paragraph 4 of the  
17 complaint.

18 Just read it to yourself.

19 (Witness is perusing the  
20 exhibit.)

21 A. The whole paragraph?

22 Q. Yes. It starts on page 4 to  
23 page 6.

24 A. Okay.

25 (Witness is perusing the

1 J. Lane

2 exhibit.)

3 A. Okay.

4 Q. Turn your attention to the bottom  
5 of page 4. There is a reference to the  
6 folding or telescoping stock, and that refers  
7 to what you testified about before?

8 A. We have talked about the  
9 telescoping stock, yes.

10 Q. How does that -- does that differ  
11 from a folding scope?

12 A. One is a telescope, the other  
13 folds.

14 Q. Do you wish to use a folding  
15 stock?

16 A. I wouldn't mind having one.

17 Q. Would that also will be attached  
18 to a Springfield Armory Saint?

19 A. I don't know if it comes with a  
20 folding stock.

21 Q. Why would you not mind having a  
22 folding stock?

23 A. Well, it is just a cool thing.

24 Q. And why is it a cool thing?

25 A. You know, that is a very strange

1 J. Lane

2 question.

3 Why is anything a cool thing?

4 It is just about as useful as a  
5 telescoping stock, but not quite.

6 Q. And I believe pistol grip, you  
7 testified about.

8 How about a thumb hold stock?

9 A. What about them?

10 Q. Would you want to possess a thumb  
11 hold stock?

12 A. Sure.

13 Q. And why?

14 A. Well, it is a place you put your  
15 thumb so you can grab the trigger a little  
16 better.

17 Q. And how about a second hand grip,  
18 or protruding grip that can be held by the  
19 non-shooting hand. Do you see that? Would  
20 you want to use that feature?

21 A. Yes.

22 Q. Why would you want to use that  
23 feature?

24 A. Again, it gives you more control  
25 of the gun.

1 J. Lane

2 Q. And how about bayonet mount?

3 What is your understanding of bayonet mount?

4 A. It is a thing on the front of the  
5 barrel where you can stick a knife.

6 Q. And would you want to use a  
7 bayonet mount, Mr. Lane?

8 A. I never really thought about it.  
9 I never really thought about that.

10 Q. Okay. So yes or no, would you  
11 want to use a bayonet mount?

12 MR. ROTSKO: Just to clarify the  
13 question, are you asking Mr. Lane to  
14 determine today whether he is interested  
15 in using a bayonet mount?

16 MR. RUBINSTEIN: Absolutely, yes.

17 A. I guess if I had the option, I  
18 would consider it.

19 Q. And why would you consider it?

20 A. Well, every tool you have adds to  
21 your tool kit.

22 Q. The next one, flash suppressor,  
23 muzzle break, muzzle compensator, I think we  
24 have covered that.

25 And then there is reference to

1 J. Lane

2 threaded barrel designed to accommodate a  
3 flash suppressor, muzzle break or muzzle  
4 compensator.

5 Do you understand what a threaded  
6 barrel is?

7 A. Yes.

8 Q. And would you use a threaded  
9 barrel designed to accommodate these  
10 features?

11 A. If it was legal to do so.

12 Q. And why would you use a threaded  
13 barrel?

14 A. It wouldn't use -- the reason you  
15 have a threaded barrel, of course, is to  
16 install one of these things that are  
17 referenced here.

18 So I assume what you are really  
19 asking is, would I use one of these things?

20 And my answer is the answer I  
21 just gave: If it was legal to do so, I  
22 probably would, yes.

23 Q. The last one, grenade launcher,  
24 do you see that?

25 A. Yes.

1 J. Lane

2 Q. Do you know what a grenade  
3 launcher is?

4 A. Vaguely.

5 Q. What is your understanding of a  
6 grenade launcher?

7 A. A thing that launches a grenade.

8 Q. Would you use a grenade launcher?

9 A. I don't think so.

10 Q. Why would you not use a grenade  
11 launcher?

12 A. I don't have any grenades.

13 Q. Any other reasons?

14 A. I don't just see that being the  
15 kind of thing that a person would need.

16 That is a military device.

17 Q. If I can turn your attention to  
18 paragraphs 21 through 23, just a brief  
19 question, if you can just read these  
20 paragraphs.

21 (Witness is perusing the  
22 exhibit.)

23 A. Yes, okay.

24 Q. There is a reference in these  
25 paragraphs to a machine gun.



1 J. Lane

2 Do you see that, Mr. Lane?

3 A. Uh-huh.

4 Q. Would you want to use a machine  
5 gun?

6 A. I never really thought about it.  
7 I mean, machine guns, I think,  
8 are governed by separate laws.

9 Q. Would you want to use a machine  
10 gun at some point, Mr. Lane?

11 A. For what?

12 Q. That is my question to you,  
13 Mr. Lane.

14 MR. ROTSKO: Objection.

15 The question -- Mr. Lane, the  
16 entire case is about him wanting to  
17 purchase a semiautomatic gun, not a  
18 machine gun.

19 MR. RUBINSTEIN: Again, I will  
20 let this go, please, with the speaking  
21 objections.

22 Q. You can answer, Mr. Lane.

23 A. I didn't even know what you mean  
24 by use.

25 What do you mean?

1 J. Lane

2 Q. Have you thought about using a  
3 machine gun for self defense, for example, of  
4 yourself and your loved ones?

5 A. Well, I suppose if it was legal  
6 to buy one, and I could afford it, I would  
7 consider it.

8 Q. Have you considered purchasing a  
9 machine gun?

10 A. I have never considered that, no.

11 Q. And why have you not considered  
12 that?

13 A. Well, I don't think it is very  
14 easy to do.

15 Q. Any other reason?

16 A. I don't know. Just never thought  
17 about it.

18 MR. RUBINSTEIN: I think we can  
19 mark the next exhibit as D.

20 (Whereupon, a document was marked  
21 as James Exhibit D for identification,  
22 as of this date.)

23 Q. Mr. Lane, I am handing you a  
24 document that has been marked as James  
25 Exhibit D, if you can take a look at that

1 J. Lane

2 document.

3 A. Yes.

4 Q. Do you recognize this document?

5 A. Yes.

6 Q. And what is this document?

7 A. This is responses to the  
8 interrogatories served on us by the  
9 defendants in this case.

10 Q. And did you write this document  
11 yourself?

12 A. No, I worked with my counsel.

13 Q. And when you say counsel, you  
14 mean Mr. Rotsko?

15 A. Yes.

16 Q. And did you view this document  
17 before today?

18 A. Oh, yes.

19 Q. If you can turn to the last page,  
20 it would be page 15, I guess 14 and 15.

21 A. Uh-huh.

22 Q. Page 14, is that your signature,  
23 Mr. Lane?

24 A. Yes.

25 Q. If you can turn your attention to

1 J. Lane

2 the response to interrogatory number 5. I  
3 guess that would be on page 3, from page 3 to  
4 page 7.

5 If you can please briefly review  
6 the responses?

7 (Witness is perusing the  
8 exhibit.)

9 A. Uh-huh.

10 Q. As you see, there is a list of  
11 sources that are mentioned. Do you see that,  
12 Mr. Lane?

13 A. Uh-huh.

14 Q. Di you write this list of  
15 sources --

16 MR. ROTSKO: Objection.

17 Q. -- in interrogatory number 5?

18 MR. ROTSKO: Objection, work  
19 product.

20 MR. RUBINSTEIN: You are  
21 instructing the witness not to answer?

22 MR. ROTSKO: Yeah, I am,  
23 actually.

24 MR. RUBINSTEIN: On what basis?

25 MR. ROTSKO: Because I don't want

1 J. Lane

2 him to tell you whether he wrote the  
3 list or not.

4 That is the basis, work product.

5 MR. RUBINSTEIN: That is not work  
6 product.

7 In any event, let's leave that  
8 open for now.

9 Q. Did you read each of these  
10 documents, Mr. Lane?

11 A. No. This is sort of, again,  
12 public information stuff.

13 Q. And again, there is a reference  
14 to -- it says in addition, and subject to the  
15 general and specific objections, plaintiffs  
16 have relied upon the below sources and  
17 formulating their case and reserve the right  
18 to rely on additional publicly available  
19 sources at later states in this litigation.

20 Do you see that?

21 A. Yes.

22 Q. What is your reference to  
23 additional publicly available sources at  
24 later stages in this case?

25 A. Could be any publicly available

1 J. Lane

2 information, as far as I know.

3 Q. You can put that to the side,  
4 Mr. Lane.

5 A. This whole document?

6 Q. Yes.

7 A. Okay.

8 Q. Have you spoken to anyone else  
9 that you have not mentioned so far today,  
10 aside from counsel, about purchasing this  
11 Springfield Armory Saint rifle?

12 A. I have not.

13 Q. Other than your counsel, have you  
14 spoken to anyone that you have not mentioned  
15 so far today about the New York State penal  
16 law statute that is mentioned in your  
17 lawsuit?

18 A. Have I ever spoken to anyone  
19 about the Safe Act?

20 Q. Yes.

21 A. Probably.

22 Q. Do you remember their names?

23 A. Not really, no.

24 I mean it is just a common  
25 subject.

1 J. Lane

2 Q. Were these friends of yours?

3 A. Could have been. I don't know.

4 I don't have any specific  
5 recollection of having such discussions.

6 Q. And have you ever spoken to  
7 anyone else today -- anyone else that you  
8 have not mentioned today, about your rights  
9 under the Second Amendment aside from  
10 counsel?

11 A. Seriously?

12 Q. Yes.

13 A. I probably spent my whole life  
14 talking about the Second Amendment.

15 Q. With whom?

16 A. Anyone who would listen.

17 Q. Can you provide some names?

18 A. I don't have any specific names.  
19 I probably had a lot of  
20 conversations with my father about it.

21 Q. Anyone else besides your father?

22 A. My son, probably.

23 Q. Any other friends or  
24 acquaintances that you can think of?

25 A. I don't really talk about guns

1 J. Lane

2 much with people.

3 Q. You do, or do not?

4 A. I do not, not around here.

5 Q. Do you have any social media  
6 accounts, Mr. Lane?

7 A. None.

8 Q. Have you ever posted anything  
9 online about this Springfield Armory Saint  
10 rifle?

11 A. Never.

12 Q. Have you ever posted anything  
13 online about New York's penal law statute  
14 that is mentioned in this lawsuit?

15 A. I don't think so.

16 Q. Have you ever posted anything  
17 online about this lawsuit?

18 A. No.

19 Q. Have you ever posted anything  
20 online about your rights under the Second  
21 Amendment?

22 A. No.

23 Q. Have you ever communicated with  
24 your father about this lawsuit?

25 A. My father is dead.



1 J. Lane

2 Q. My apologies.

3 Have you communicated with your  
4 son about this lawsuit?

5 A. I have.

6 Q. Have you sent e-mails to your son  
7 about this lawsuit?

8 A. No.

9 Q. So was it just oral discussion  
10 with your son about this lawsuit?

11 A. When I decided to do this, I  
12 talked to my family about it, to make sure  
13 they were okay with it.

14 Q. And that was with your son,  
15 specifically?

16 A. My son, my daughter, and my wife.

17 Q. Anyone else?

18 A. No.

19 Q. Mr. Lane, what relief are you  
20 seeking to obtain in this lawsuit?

21 A. That the provisions of the Safe  
22 Act that prevent me from purchasing this  
23 Springfield Saint be declared  
24 unconstitutional.

25 Q. And would that be all the

1 J. Lane

2 provisions of the Safe Act be declared  
3 unconstitutional?

4 A. I am not sure.

5 I haven't read the whole statute  
6 in a while.

7 Q. Are you seeking relief on behalf  
8 of anyone else besides yourself?

9 A. No. It is not a class action,  
10 Counsel.

11 Q. Even if it is not a class action,  
12 are you still seeking relief on behalf of  
13 anyone besides yourself?

14 MR. ROTSKO: Objection.

15 A. No.

16 Q. If you win this lawsuit,  
17 Mr. Lane, would you be able to purchase this  
18 model this Springfield Armory Saint?

19 MR. ROTSKO: Calls for a legal  
20 question -- or answer.

21 A. I assume so.

22 Q. What is the basis for your  
23 assumption?

24 A. Well, if we won this lawsuit,  
25 then the provisions of Safe Act that prevent

1 J. Lane

2 me from buying this gun would no longer  
3 exist, and so then, I would be able to  
4 purchase the gun.

5 I think it is as simple as that.

6 MR. RUBINSTEIN: I guess I will  
7 now defer to Ms. Mountain from  
8 Westchester. This was round one.

9 EXAMINATION BY

10 MS. MOUNTAIN:

11 Q. Good afternoon, Mr. Lane. My  
12 name is Francesca Mountain. I represent  
13 Miriame Rocah in her official capacity as  
14 District Attorney for Westchester County.

15 I just have a few.

16 You spoke not too long ago -- you  
17 were questioned about the difference between  
18 using the Springfield Armory Saint various a  
19 handgun, in terms of self defense of your  
20 home. Do you remember?

21 A. Uh-huh.

22 Q. You just have to say yes.

23 A. Yes. I am sorry.

24 Q. One of the reasons, you said, was  
25 for optics, that the Springfield Armory Saint

1 J. Lane

2 is longer than the handgun, correct?

3 A. Well, it is bigger.

4 Q. So is it more identifiable as a  
5 gun than a handgun, to someone breaking into  
6 your house.

7 Is that what you meant, or  
8 something else?

9 A. Well, I would think it would be.

10 But yeah. I mean, it is bigger.  
11 You know, you can see it in the dark easier.

12 Q. Wouldn't a rifle have that same  
13 type of impact on an intruder?

14 A. Well, the Springfield Saint is a  
15 rifle.

16 Q. Okay. Understood.

17 But you own rifles, correct?

18 A. Uh-huh.

19 Q. You have to answer yes or no.

20 A. Yes, I am sorry.

21 I am not used to be being in this  
22 chair.

23 Q. I know. It is harder, right?

24 A. It is.

25 Q. So a rifle that you own that is

1 J. Lane

2 legal in New York, wouldn't that have the  
3 same sort of effect on an intruder in your  
4 home?

5 A. I don't know.

6 They look different.

7 I am not sure.

8 Q. But it is still more -- it is  
9 identifiable as a gun in the dark, a rifle is  
10 longer, correct?

11 A. It is more readily identifiable  
12 as a gun than a small handgun, I would think,  
13 yes.

14 Q. You testified earlier that the AR  
15 platform was originally developed for  
16 military use, correct?

17 A. I testified that I wasn't certain  
18 about that.

19 I don't remember the history,  
20 exactly.

21 Q. The Springfield Armory Saint is  
22 an AR variant; am I saying that correctly?

23 A. I am not really sure what that  
24 means.

25 I think that is probably right.

1 J. Lane

2 Q. I guess I mean a type of AR-15  
3 weapon, right?

4 A. Yes, yes.

5 Q. So are you aware of any AR-15  
6 variant or weapons used in home defense?

7 A. Well, you know, I don't really  
8 keep up with the exact facts of people who  
9 have to defend themselves against intruders  
10 around the country, so I really wouldn't  
11 know.

12 I would think that they would be  
13 fairly commonly owned by people who own them  
14 for home defense.

15 Q. I am just asking, based on your  
16 knowledge as being part of the various  
17 organizations that you are involved in, going  
18 to annual meetings, the reading of the news.

19 That is all I asking, just your  
20 general knowledge of whether AR-15 variants  
21 are used in self defense?

22 A. I believe they are kept for that  
23 purpose by many people.

24 Whether they are used or not  
25 depends on whether they have to defend

1 J. Lane

2 themselves, I guess.

3 Q. So you couldn't tell me instances  
4 where an AR-15 variant is used for home  
5 defense?

6 A. I have been lucky enough that no  
7 one that I personally know has had to defend  
8 themselves against a home invasion by the use  
9 of an AR gun, no.

10 Q. Understood.

11 But just in your travels in the  
12 various organizations that you are involved  
13 in, and the annual meetings, that type of  
14 thing, has anything been discussed that you  
15 have, you know, heard?

16 A. Well, you know, the annual  
17 meetings that I have attended were the  
18 Westchester County Firearms Owners  
19 Association.

20 And as you certainly know, it is  
21 illegal to own an AR in the State of New  
22 York.

23 And Westchester being a part of  
24 the State of New York, it wouldn't likely  
25 come up.

1 J. Lane

2 Q. I am just asking, you know, so my  
3 only real experiences going to various things  
4 and people talking, right, you get  
5 information, whether it is through education,  
6 and you hear sometimes about instances, or  
7 people giving accounts of various things.

8 So I am just asking, in your  
9 travels, in your conversations, you said  
10 yourself, you have been speaking about the  
11 Second Amendment your whole life.

12 So I am just asking about your  
13 knowledge.

14 If you don't have that specific  
15 knowledge, just tell me that.

16 A. I am honestly not sure exactly  
17 what you are asking.

18 Q. I am just asking, are you aware  
19 of AR-15 variants or weapons being used for  
20 home defense?

21 A. Again, Ms. Mountain, as I said, I  
22 have not had the misfortune of knowing anyone  
23 who has had to use a firearm to defend their  
24 home.

25 And by use, I mean use.



1 J. Lane

2 Q. Understood.

3 A. I think what you are probably  
4 asking is, do I know people who keep them for  
5 purposes of home defense?

6 Q. No. I am asking people that have  
7 used them not.

8 So necessarily pulling a trigger,  
9 per se, but meaning they have had to use it  
10 for optics, you know, in a home, for home  
11 defense; that is what I am asking.

12 A. I don't know any specific people  
13 by name that I can relate any specific such  
14 incidents.

15 Q. Do you know, like by state, or  
16 something else?

17 So not by name, have you heard of  
18 instances?

19 A. I mean, all you gotta do is pick  
20 up the newspaper.

21 And I mean, there is a very  
22 famous case a few years ago in Connecticut,  
23 very horrible case, and that man  
24 unfortunately did not have a weapon to defend  
25 his family, and they were murdered.

1 J. Lane

2 Q. Are you aware of instances where  
3 AR-15 variants are used to protect family?  
4 Is it the same answer: To protect home, to  
5 protect family?

6 A. It would be the same answer.  
7 I mean, you read about them all  
8 the time, about home invasions, people  
9 needing a firearm to protect their family.

10 Whether they do or don't is going  
11 to determine whether it makes it into the  
12 headlines.

13 Q. Right. Okay.

14 MS. MOUNTAIN: So just strike the  
15 portions that are unresponsive.

16 Q. I am just asking if you are aware  
17 of an AR-15 used.

18 I guess where we might have a  
19 disconnect is I am talking about people using  
20 it for defense of their home or defense of  
21 their family. That is how I am asking the  
22 question.

23 A. I believe that many of the  
24 thousands of people who own AR style guns own  
25 them for the purpose of defending their

1 J. Lane

2 families and homes.

3 Q. You are not aware of specific, or  
4 instances where they have been used, whether  
5 they pulled the trigger or not, in an  
6 incident where they are protecting their home  
7 or family; is that fair to say?

8 A. As I said, you read about them  
9 all the time in the papers, in the news.

10 I don't keep track of every  
11 single case, and I don't know specific  
12 instances, names or locations.

13 Q. Are you aware of AR-15 variants  
14 or weapons used in mass shootings?

15 A. I can't think of --

16 You know, I know there have been  
17 mass shootings, of course. And I think  
18 probably at least one or two of them that I  
19 can think of may have involved some sort of  
20 AR type gun.

21 I am not sure exactly. I haven't  
22 kept track of that very carefully.

23 Q. Would you agree that a weapon  
24 used in a mass shooting is dangerous?

25 A. If people are shot with it, it is

1 J. Lane

2 dangerous.

3 MS. MOUNTAIN: I don't have  
4 anything further.

5 Thank you, Mr. Lane.

6 MR. RUBINSTEIN: Just a  
7 five-minute break, and we can just wrap  
8 up.

9 THE WITNESS: You got more?

10 MR. RUBINSTEIN: Hopefully not,  
11 but we will see.

12 (Whereupon, a short recess was  
13 taken at 1:04 p.m., and testimony  
14 resumed at 1:10 p.m.)

15 MR. RUBINSTEIN: Mr. Lane, we  
16 have no further questions.

17 And we want to thank you for  
18 testifying today.

19 THE WITNESS: You're welcome, and  
20 thank you.

21 (Continued on the following  
22 page.)

23

24

25

1  
2 MR. RUBINSTEIN: I just want to  
3 go back on the record to provide the  
4 full URL for James Exhibit B and  
5 HTTPS://gunsafety.NY.gov/system/files/  
6 documents/2020/04/images\_of\_  
7 rifles\_that\_R\_not\_classified\_as\_assaults  
8 \_rifles.PDF.

9 (Time noted: 1:12 p.m.)  
10

11 -----  
JOHN MARK LANE  
12

Subscribed and sworn to before me this  
13

14 ----- day of -----, 2024.

15 -----, Notary  
Public.  
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CERTIFICATE

I, MARIA ACOCELLA, a Notary Public within  
and for the State of New York, do hereby  
certify:

That the witness whose deposition is  
hereinbefore set forth, was duly sworn by me  
and that the within transcript is a true  
record of the testimony given by such  
witness.

I further certify that I am not related to  
any of the parties to this action by blood  
or marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 8th day of May, 2024.



MARIA ACOCELLA

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2

WITNESS'S CORRECTION SHEET

3

PAGE \ LINE \ CORRECTION

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JOHN MARK LANE

22

23

Subscribed and sworn to before me

24

this \_\_\_\_\_ day of \_\_\_\_\_, 2024

25

\_\_\_\_\_, Notary Public.



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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted



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